

EXHIBIT 20



Transcript of the Deposition of
James Fletcher, Jr.

Case: James Fletcher Jr. v. Jerome Bogucki; et al.
Taken On: November 17, 2023

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JAMES FLETCHER JR.,)	
)	
Plaintiff,)	
v.)	No. 20 CV 4768
)	
JEROME BOGUCKI, ANTHONY)	
NORADIN, RAYMOND SCHALK,)	
ANTHONY WOJCIK, UNKNOWN)	
CITY OF CHICAGO POLICE)	
OFFICERS, and the CITY OF)	
CHICAGO,)	
)	
Defendants.)	

The videotaped deposition of JAMES FLETCHER, JR., called by the Defendants for examination, taken pursuant to notice and pursuant to the Federal Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, taken before Enza Tenerelli, Certified Shorthand Reporter and Registered Professional Reporter, at 53 West Jackson Boulevard, Suite 301, Chicago, Illinois, commencing at 10:23 a.m. on November 17th, 2023.

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23 ALSO PRESENT: Ms. Barbara Patel, videographer
Ms. Lo Ramanujam, Hale & Monico, LLC

24 * * * * *

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(Exhibit Nos. 7 through 11 were phone call recordings
retained by counsel.)

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1 THE VIDEOGRAPHER: Good morning. We are now on
2 video record at 10:23 a.m. on November 17th, 2023.
3 Please note that the microphones are sensitive and may
4 pick up whispering, private conversations, and cellular
5 interference. Please turn off your cell phones and
6 place them away from the microphones as they can
7 interfere with the deposition audio. Audio and video
8 recording will continue to take place unless all parties
9 agree to go off record.

10 This is Media Unit -- Media Unit No. 1 of the
11 video-recorded deposition of James Fletcher, Jr., taken
12 by the counsel for the defendant in the matter of
13 James Fletcher, Jr., versus City of Chicago, et al.,
14 filed in the United States district court for the
15 Northern District of Illinois, Eastern Division,
16 Case No. 20 CV 4768. This deposition is being held at
17 Hale & Monico, LLC, located at 53 West Jackson in
18 Chicago, Illinois.

19 My name is Barbara Patel in association with
20 Royal Reporting, and I am the videographer. I am not
21 related to any party in this action, nor am I
22 financially interested in the outcome.

23 Will counsel please state their appearances
24 and affiliations for the record, starting with the

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1 taking attorney first?

2 MS. WEST: Allyson West on behalf of the individual
3 defendant officers.

4 MS. MORRISON: Katherine Morrison for the City of
5 Chicago.

6 MR. STARR: Sean Starr on behalf of the plaintiff,
7 James Fletcher.

8 MS. BLAGG: Jennifer Blagg on behalf of plaintiff,
9 James Fletcher.

10 MS. BITOY: Jennifer Bitoy on behalf of the
11 individual defendant officers.

12 MS. WEST: That's it.

13 THE VIDEOGRAPHER: Okay. Will the reporter please
14 swear in the witness?

15 (Witness sworn.)

16 WHEREUPON:

17 JAMES FLETCHER, JR.,
18 called as a witness herein, having been first duly
19 sworn, was examined and testified as follows:

20 EXAMINATION

21 BY MS. WEST:

22 Q. Good morning, Mr. Fletcher.

23 A. Good morning.

24 Q. As I mentioned before, my name is

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1 Allyson West. I represent the individual defendant
2 officers in your lawsuit. What's going to happen today
3 is I'm going to ask you a series of questions. Some of
4 the other attorneys may ask you questions as well. If
5 at any point you need to take a break, let me know;
6 we'll take the break. All I ask is that you finish
7 answering the question that's pending before we take
8 that break. Do you understand?

9 A. Yes.

10 Q. Okay. And then if you could, for the court
11 reporter and the videographer, keep your voice nice -- I
12 mean, you don't have to, like, yell or anything like
13 that, but just nice and loud so that they can take down
14 everything that you're saying. Okay?

15 A. Okay.

16 Q. Okay. And then I will try to do the same, if
17 you will do the same for me too. We're going to have
18 kind of like a conversation-type communication here
19 today. But if you could wait until I'm finished
20 answering my question -- asking my question before you
21 answer and I'll do the same for you. Do you understand?

22 A. Yes.

23 Q. Okay. Are you currently under the influence
24 of any prescription medication that would impair your

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1 **ability to testify truthfully today?**

2 A. No.

3 **Q. If you could state your full name for the**
4 **record, please.**

5 A. Jimmie, J-I-M-M-I-E, Lewis Fletcher, Jr.

6 **Q. And, sir, have you ever gone by any nickname?**

7 A. Jimalee, The Gov. That's about it. That's
8 all I remember.

9 **Q. Okay. And have you ever gone by an alias?**

10 A. Yes.

11 **Q. Okay. What alias have you gone by?**

12 A. Arnold Dixon.

13 **Q. And is Arnold Dixon a real person that you**
14 **know, sir?**

15 A. Yes.

16 **Q. And who is that?**

17 A. My nephew.

18 **Q. When did you start using the alias**
19 **Arnold Dixon?**

20 MR. STARR: Objection: form, foundation.

21 BY THE WITNESS:

22 A. I want to say in '91, I think.

23 **Q. And why did you use the alias Arnold Dixon?**

24 A. I had a -- I think I was being arrested for an

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1 auto theft, I think. I'm not sure.

2 THE COURT REPORTER: Sir, just try to keep your
3 voice up.

4 THE WITNESS: Okay.

5 MS. WEST: Thank you.

6 BY THE WITNESS:

7 A. I think I was being arrested for auto theft.

8 Q. Okay. And that was your reasoning for
9 using -- giving the name Arnold Dixon?

10 A. Yes.

11 Q. Have you ever used the alias Eugene Brown?

12 A. No.

13 Q. Any other aliases that you've used in the
14 past?

15 A. Not that I remember.

16 Q. Is your date of birth March 30th, 1963?

17 A. Yes.

18 Q. What did you do to prepare for your deposition
19 today, sir?

20 A. Pray.

21 Q. Did you meet with your counsel?

22 A. As I came in, yes.

23 Q. Okay. Prior to today, did you meet with your
24 counsel in preparation for the deposition today?

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1 A. Yes.

2 Q. Okay. When was -- When did you meet with your
3 counsel?

4 A. Yesterday.

5 Q. Okay. Was that the first time you met with
6 your counsel in preparation for your deposition?

7 A. Yes.

8 Q. Where did you meet?

9 A. Their office.

10 Q. How long was the meeting that you had with
11 your counsel?

12 A. Two, three hours. I'm not sure.

13 Q. And who was present for the meeting?

14 A. My counsel; Jennifer Blagg; and Anand, my
15 other attorney.

16 Q. I'm sorry. Say the last name.

17 A. Anand.

18 MR. STARR: And that's not his -- That's his first
19 name.

20 MS. WEST: Yes.

21 MR. STARR: You'll probably meet him.

22 MS. WEST: Yes. Thank you.

23 MR. STARR: Okay.

24

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1 BY MS. WEST:

2 Q. During that two- to three-hour meeting
3 yesterday, did you review any documents?

4 A. No. What you mean "documents"?

5 Q. So did you look at any pieces of paper?

6 A. No.

7 Q. Okay. Did you review any photographs?

8 A. No.

9 Q. Did you review any police reports?

10 A. No.

11 Q. Did you review any affidavits that you
12 authored?

13 A. No.

14 Q. Did you review any written correspondence that
15 you've authored in the past?

16 A. They were there, but I didn't see 'em
17 personally.

18 Q. Okay. So let me just make sure if I
19 understand. So were there documents there while you
20 were meeting with your attorneys yesterday?

21 A. Yes.

22 Q. Okay. But you specifically didn't look at any
23 of that documentation?

24 A. No.

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1 **Q. Okay. Did you review any audio phone calls?**

2 A. Yes.

3 **Q. Okay. What audio phone calls did you review**
4 **yesterday?**

5 A. One with me and Deborah Sanders.

6 **Q. Do you recall the date of that phone call with**
7 **Deborah Sanders that you reviewed yesterday?**

8 A. No.

9 **Q. Okay. What was the content of the**
10 **communication that you listened to?**

11 MR. STARR: And I'm just going to instruct you, you
12 should answer her question but do not reveal any
13 conversations that you and I or you and any of your
14 other attorneys had. Okay?

15 THE WITNESS: Okay.

16 MR. STARR: Those are privileged, and you're not
17 allowed to testify to those. Okay? Thanks.

18 BY THE WITNESS:

19 A. Yes, I was talking to her about just regular
20 stuff and about a movie I had seen.

21 **Q. Do you know how long the phone call was that**
22 **you listened to?**

23 A. No.

24 **Q. Did you listen to the phone call in its**

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1 **entirety?**

2 A. I don't think so.

3 **Q. Okay. Any other phone calls that you listened**
4 **to yesterday?**

5 A. No.

6 **Q. Did you review any video footage yesterday?**

7 A. No.

8 **Q. Other than the meeting yesterday with your**
9 **counsel and this morning with Mr. Starr, any other**
10 **meetings with your attorney in preparation for the**
11 **deposition today?**

12 A. No.

13 **Q. Any telephone calls with your counsel in**
14 **preparation for your deposition today?**

15 A. What you mean "like" "in preparation"? Could
16 you ...

17 **Q. Sure. So any phone calls that you would have**
18 **had with your attorney talking about the substance of**
19 **this case or your deposition prior to today.**

20 A. They would call and ask me questions about
21 certain stuff. I don't know if that was preparing for
22 the deposition or not.

23 **Q. Fair enough. And I don't want to know about**
24 **any communications specifically that you had with them.**

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1 I'm just trying to see if you had any phone calls other
2 than talking about scheduling or where you need to go or
3 when you need to appear.

4 A. No.

5 Q. Okay. Have you spoken with anyone in your
6 family about being deposed today?

7 A. Well, they all knew.

8 Q. Did you speak with any of your family members
9 about the specifics of your deposition today?

10 A. What you mean "the specifics"?

11 Q. Did you have any conversations with your
12 family about being deposed today?

13 A. I mean, I told them I was being deposed. My
14 sister.

15 Q. Okay. What's your sister's name?

16 A. Delois.

17 Q. What's Deloris's [sic] last name?

18 A. Swain.

19 Q. And what'd you tell her about you being
20 deposed today?

21 A. She had to take my dad to the doctor because
22 I'm being deposed.

23 Q. Anything else?

24 A. Not that I remember.

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1 **Q. Okay. Did you speak with Deborah Sanders**
2 **about being deposed today?**

3 A. Not today, but I might have told her earlier
4 in the week, a couple days before.

5 **Q. The conversation that you had with Ms. Sanders**
6 **about your deposition, was it over the phone or in**
7 **person?**

8 A. It had to be over the phone.

9 **Q. And what did you speak with Ms. Sanders about**
10 **regarding your deposition?**

11 A. I'm being deposed.

12 **Q. Did you speak with Ms. Sanders about the fact**
13 **that she's been deposed in this litigation?**

14 A. No.

15 **Q. At any point, not just this week, have you**
16 **spoken with Ms. Sanders about the fact that she's been**
17 **deposed in this litigation?**

18 MR. STARR: Objection: asked and answered.

19 BY MS. WEST:

20 **Q. You can answer.**

21 A. When she got deposed.

22 **Q. You spoke with her about it?**

23 A. Yeah.

24 **Q. Okay. We'll come back to that here in a**

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1 **little bit.**

2 **What's your highest level -- Strike that.**

3 **Any other family members that you spoke with**
4 **about being deposed?**

5 A. Not that I remember.

6 **Q. Did you talk with any of your children about**
7 **being deposed?**

8 MR. STARR: Asked and answered.

9 BY THE WITNESS:

10 A. I might have told my daughter. I'm not sure.

11 **Q. Did you speak with any friends about being**
12 **deposed today?**

13 A. Not that I remember.

14 **Q. All right. What's your highest level of**
15 **education, sir?**

16 A. GED.

17 **Q. When did you obtain your GED?**

18 A. 1987.

19 **Q. Where did -- Did you attend high school?**

20 A. Yes.

21 **Q. Where did you attend high school?**

22 A. Wells.

23 **Q. Is that in Chicago?**

24 A. Yes.

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1 **Q. What grade did you go in high school at**
2 **William Wells?**

3 A. I think to junior.

4 **Q. Do you hold any other certificates or degrees?**

5 A. I think a culinary art. Might be a welding.
6 I'm not sure.

7 **Q. Okay. And those two certificates, where did**
8 **you obtain them?**

9 A. The welding was at Stateville, and the
10 culinary arts was either Danville or Dixon.

11 **Q. Okay. What city do you currently live in?**

12 A. Chicago.

13 **Q. And who do you currently live with?**

14 A. My dad.

15 **Q. Anyone else other than your father that lives**
16 **in the home?**

17 A. In the apartment? No.

18 **Q. And how long have you been living with your**
19 **father?**

20 A. 2020.

21 **Q. When you were released from incarceration, did**
22 **you go to live with your father?**

23 A. Yes, 2020.

24 **Q. And are you still living in the same location**

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1 **that you --**

2 A. Yes.

3 **Q. Let me -- Sorry. Let me try that again just**
4 **so I can get it all out.**

5 **When you were released from incarceration,**
6 **where did -- what's the address that you went to live**
7 **at?**

8 A. 828 North Laramie.

9 **Q. Okay. And are you still living there today?**

10 A. Yes.

11 **Q. Okay. 821 North Laramie is that what you**
12 **said?**

13 A. 828.

14 **Q. 828. Thank you.**

15 **Have you lived at 828 North Laramie prior to**
16 **2020?**

17 A. Yes.

18 **Q. What I'm getting at is, did you grow up at**
19 **that address?**

20 A. I moved there in 1972, I think, or '71.

21 **Q. And I'm really bad at math. How old were you?**
22 **Were you ...**

23 A. '71. '63. About 8, 9.

24 **Q. Okay. When you first moved there when you**

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1 **were about 8 or 9 years old, who lived in the home with**
2 **you?**

3 A. At first, me, Mom, Dad.

4 **Q. Did other individuals come to live at that**
5 **home with you?**

6 A. Throughout the course of the years, yes.

7 **Q. Okay. Who else lived at the home?**

8 A. Oh, my God. My grandmother, cousin, the
9 cousin's daughter, I think his -- his girlfriend.

10 **Q. Whose girlfriend?**

11 A. My cousin's girlfriend. It was a long time
12 ago.

13 **Q. Sure.**

14 A. I don't really remember.

15 **Q. Fair enough. And all -- I'm asking what you**
16 **recall. Okay?**

17 A. Okay.

18 **Q. In 1990, who lived in the home at**
19 **828 North Laramie?**

20 A. My mom and dad, and I would stay there on
21 occasions.

22 **Q. Do you have other family that lives -- that**
23 **lived near you when you were growing up at**
24 **828 North Laramie?**

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1 A. Yes. I had an auntie that lived kind of down
2 the street.

3 **Q. Any other family that lived close by?**

4 A. I don't think so. Not that I recall, no.

5 **Q. When you were a kid, did you roller-skate?**

6 A. Yeah.

7 **Q. Where did you roller-skate?**

8 A. Some area, the West Side, the South Side.

9 **Q. And when you roller-skated, was it, like, a**
10 **specific rink you would go to?**

11 A. I went to a lot of different rinks.

12 **Q. What ages did you roller-skate? When did you**
13 **first start?**

14 A. I don't recall, but I know I started over in
15 Cabrini-Green, so 12, 11. I don't know.

16 **Q. Were you still roller-skating occasionally**
17 **when you were 16?**

18 A. Yes.

19 **Q. Are you currently married?**

20 A. No.

21 **Q. Have you ever been married?**

22 A. Yes.

23 **Q. Who have you been married to?**

24 A. Deborah Sanders.

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1 **Q. And when were you married to Ms. Sanders?**

2 A. 1987.

3 **Q. When did you first meet Ms. Sanders?**

4 A. I think in -- In '87, I think.

5 **Q. And in 1987, were you incarcerated, sir?**

6 A. Yes.

7 **Q. So how did you come to meet Ms. Sanders while**
8 **you were incarcerated?**

9 A. A friend of mine had her call me out on a
10 visit.

11 **Q. And do you recall the day or month that you**
12 **were married in 1987?**

13 A. December.

14 **Q. Are you divorced from Ms. Sanders?**

15 A. Yes.

16 **Q. When were you divorced from Ms. Sanders?**

17 A. '90- -- I think '93.

18 **Q. Have you ever been married to anyone else,**
19 **sir?**

20 A. No.

21 **Q. Do you currently have a partner?**

22 A. I don't know. No, I'll say -- No.

23 **Q. Okay. So you're not currently in a romantic**
24 **relationship?**

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1 MR. STARR: Objection: form, foundation.

2 BY THE WITNESS:

3 A. No --

4 Q. Okay.

5 A. -- I don't think so.

6 Q. Do you have any children?

7 A. Yes.

8 Q. How many children do you have?

9 A. Biologically, two.

10 Q. Okay. And we'll start there. Biologically,
11 what are your children's names?

12 A. Natasha Ewing and Dawon Gardner.

13 Q. And who is Natasha's mother?

14 A. Yvette Loggins.

15 Q. And how about your son Dawon? Who is his
16 mother?

17 A. Sharon Gardner.

18 Q. How old is Natasha?

19 A. She is 43, I guess.

20 Q. And how about Dawon? How old is he?

21 A. 31.

22 Q. Do you have a relationship with Natasha?

23 A. Yes.

24 Q. Do you see her often?

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1 A. No. She lives in another state, Indiana.

2 **Q. Do you speak with her on the telephone?**

3 A. Yes.

4 **Q. How often?**

5 A. Maybe once a week, sometimes once every other
6 week.

7 **Q. How often do you get to see her?**

8 A. Once every other month, I would guess.

9 **Q. Does she come visit you, or do you go visit**
10 **her?**

11 A. She comes to visit me mostly, but I have been
12 to visit her.

13 **Q. Where in Indiana does she live?**

14 A. Lafayette.

15 **Q. And Dawon, do you have a relationship with**
16 **Dawon?**

17 A. Not really.

18 **Q. Have you ever had a relationship with Dawon?**

19 A. Yeah, kind of when I was incarcerated, I would
20 guess, and when I first came home.

21 **Q. When -- Can you pinpoint for me when during**
22 **your incarceration that you had a relationship with**
23 **Dawon?**

24 A. As he was growing up.

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1 **Q. Would you speak with him over the telephone?**

2 A. Yes.

3 **Q. Would he come visit you in prison?**

4 A. Yes.

5 **Q. How often would he come visit you?**

6 A. Not often, you know, maybe Father's Day,
7 Christmas, something like that.

8 **Q. And how often would you speak with him on the**
9 **phone when you were incarcerated?**

10 MR. STARR: Objection --

11 BY THE WITNESS:

12 A. I'm not sure, yeah.

13 MR. STARR: -- to form.

14 Go ahead. Sorry.

15 BY THE WITNESS:

16 A. I'm not -- I'm not sure.

17 **Q. Okay. How about now? Do you speak with --**
18 **I'm sorry. Strike that.**

19 You said you had somewhat of a relationship
20 **with him when you were released from incarceration; is**
21 **that right?**

22 A. Yes.

23 **Q. Okay. Can you describe that relationship for**
24 **me?**

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1 A. I mean, father/son, you know.

2 **Q. How often would you see him?**

3 A. I'm not sure. Once a week, I would guess.

4 **Q. And where does he live?**

5 A. Down the street from me.

6 **Q. Okay. When was the last time you saw him?**

7 A. Maybe a month, month and a half ago.

8 **Q. Do you speak with him on the telephone?**

9 A. No.

10 **Q. When you saw him about a month, month and a**
11 **half ago, did you visit him or did he visit you?**

12 A. He came to my house to visit my dad.

13 **Q. Did you speak with him when he came to visit?**

14 A. No.

15 **Q. When was the last time you had a one-on-one**
16 **interaction with your son?**

17 A. I don't recall. It's been a while.

18 **Q. Would you say it's been more than a year?**

19 A. No.

20 **Q. Less than a year?**

21 A. Yes.

22 **Q. All right. And you mentioned -- You said you**
23 **had two biological children. Do you have other -- other**
24 **children?**

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1 A. Yes, I have two other daughters.

2 Q. Okay. Are they legally your daughters?

3 A. No.

4 Q. Okay. But you consider them to be your
5 family?

6 A. Yes.

7 Q. Okay. And what are their names?

8 A. Veronica Bryant and Chancheta Pratt.

9 Q. And Veronica Bryant, who is her mother?

10 A. Deborah.

11 Q. Do you have a relationship with Veronica?

12 A. Yes.

13 Q. When was the last time you spoke with her?

14 A. It's been a month or so ago. She sent me a
15 video of something.

16 Q. When was the last time you saw her, Veronica?

17 A. That's been a while. I don't remember. It's
18 been a while, though.

19 Q. Does -- Where does Veronica live?

20 A. I want to say Glenwood, like on 170 something.

21 Q. Okay. How would you describe your
22 relationship with Veronica?

23 A. Father/daughter.

24 Q. Would you say that you have a good

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1 **relationship with Veronica?**

2 A. Yes.

3 **Q. And how about Chancheta? Do you have a**
4 **relationship with her?**

5 A. Not really.

6 **Q. Okay. When was the last time you spoke to**
7 **her?**

8 A. I think I sent her a text for her birthday.

9 **Q. And when was that?**

10 A. January 27.

11 **Q. And that was the last communication you had**
12 **with her?**

13 A. Yes.

14 **Q. Who is Chancheta's mother?**

15 A. Valerie Pratt.

16 **Q. You mentioned your father earlier. How old is**
17 **your father?**

18 A. '31. He's 92.

19 **Q. And what did your father do for a living?**

20 A. He's retired. He's 92.

21 **Q. What did he do for a living?**

22 A. Oh. He was a manager at a -- a company that I
23 think made machine parts for, you know, the hospital
24 operating tables, stuff like that.

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1 **Q. Okay. Throughout your father's life, did he**
2 **ever work as a paralegal?**

3 A. Yeah, I would say he was a paralegal, yeah.

4 **Q. And when was that?**

5 A. Maybe around 2014, '15. I'm not sure.

6 **Q. Did he work for a specific -- I'm sorry. I**
7 **didn't mean to cut you off, by the way, if I did. Did I**
8 **cut you off?**

9 A. No.

10 **Q. Okay. Did he work for a specific law firm?**

11 A. He worked for Frederick Cohn.

12 **Q. Any other law firms you recall him working**
13 **for?**

14 A. No.

15 **Q. When did your father retire, if you know?**

16 A. I don't know.

17 **Q. How's your father's health today?**

18 A. He has Alzheimer's.

19 **Q. I'm sorry.**

20 **He still lives in the home with you?**

21 A. I live with him. It's his home. Yeah.

22 **Q. Okay. Fair enough.**

23 **Who cares for your father?**

24 A. Me.

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1 **Q. Are you the sole caregiver for your father?**

2 A. Yes.

3 **Q. And how long have you been doing that?**

4 A. Since my mom passed.

5 **Q. When did your mother pass?**

6 A. April 23rd, 2020.

7 **Q. Did your mother pass following your release**
8 **from incarceration?**

9 A. Yes.

10 **Q. Okay. Do you have any siblings, sir?**

11 A. Yes, I have three sisters living.

12 **Q. What are your sisters' names?**

13 A. Delois Swain, Jacqueline Gordon, and
14 Denise Winkler (phonetic).

15 **Q. Deloris [sic], does Deloris live close by?**

16 A. Yeah, she lives in the building.

17 **Q. Okay. The same building that you live in?**

18 A. Yes.

19 **Q. Okay. Do you have a relationship with**
20 **Deloris?**

21 A. Yes.

22 **Q. Okay. And then you said Jacqueline?**

23 A. Yes.

24 **Q. Where does Jacqueline live?**

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1 A. On the North Side.

2 **Q. Do you have a relationship with Jacqueline?**

3 A. Yes.

4 **Q. And Denise, where does she live?**

5 A. I think, like, Oakland, California, somewhere
6 around that area.

7 **Q. Do you have a relationship with her?**

8 A. Yes, we talk. I mean, I haven't seen her in
9 years, but we talk on the phone.

10 **Q. Are you -- In order of age, are you oldest,**
11 **youngest, or somewhere --**

12 A. Baby.

13 **Q. You're the baby? It's good to be the baby.**

14 **Who is the -- the oldest sister of the three?**

15 A. Delois.

16 **Q. And then who is next?**

17 A. I think -- I think Jacqueline. I'm not sure.

18 **Q. Okay. Does Deloris help you care for your**
19 **father at all?**

20 A. I live in the house with him, so I take care
21 of him. But from time to time, she will cook us a meal,
22 you know, once or twice a week.

23 **Q. Okay. How about Jacqueline? Does she**
24 **participate in the caregiving for your father?**

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1 A. She went to doctors' appointments with me.
2 She would call and check on him, and she comes over,
3 yeah.

4 Q. Okay. All right. Let's switch gears here a
5 little bit.

6 All right. Mr. Fletcher, you were arrested
7 for the murder of Willie Sorrell, correct?

8 A. Yes.

9 Q. Okay. And you were eventually convicted of
10 that murder, right?

11 A. Yes.

12 Q. And do you understand that that murder took
13 place on December 21st, 1990?

14 A. Yes.

15 Q. Do you understand that part of the incident
16 leading up to Mr. Sorrell's death was the armed robbery
17 of Mr. Edward Cooper?

18 A. Yes.

19 Q. Do you have an understanding that the
20 offenders took Mr. Cooper's money during the course of
21 the robbery?

22 A. Yes.

23 Q. And you understand that the robbery and murder
24 occurred at 5615 West Madison?

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1 A. Yes.

2 Q. Okay. And December -- On December 21st of
3 1990, you were living at 301 North Latrobe?

4 A. No.

5 Q. Where were you living at the time?

6 A. Kind of, like, everywhere.

7 Q. Okay.

8 A. Different women.

9 Q. Have you ever lived at 301 North Latrobe?

10 A. No.

11 Q. That address doesn't ring a bell for any
12 family member either?

13 A. A friend.

14 Q. It is a friend?

15 A. Yeah.

16 Q. What friend?

17 A. Eugene Brown.

18 Q. Okay. Did you ever stay with Eugene Brown in
19 December of 1990?

20 A. No.

21 Q. When you say you would stay around, would you
22 stay around in the city of Chicago or any other city or
23 town?

24 A. Chicago.

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1 **Q. During December of 1990, did you live or stay**
2 **with your parents?**

3 A. Yes.

4 **Q. Okay. And that's at the same address that you**
5 **currently live?**

6 A. Yes.

7 **Q. How close is the address where you currently**
8 **reside, 828 North Laramie, to Central and Madison or the**
9 **area where the -- the robbery/murder took place in 1990?**

10 MR. STARR: Objection: form, foundation. You're
11 asking him for distance?

12 BY MS. WEST:

13 **Q. Yeah, if you know.**

14 A. I'm not sure. Maybe 10 to 12 blocks.

15 **Q. Are you familiar with the area of Central and**
16 **Madison?**

17 A. Yes.

18 **Q. Okay. In December of 1990, was Ms. Sanders**
19 **living at your parents' address at 828 North Laramie?**

20 A. No.

21 **Q. Okay. Months prior to that, had Ms. Sanders**
22 **been living in the home with your parents?**

23 A. Yes.

24 MR. STARR: Objection: form.

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1 BY MS. WEST:

2 Q. Okay. If you recall, when was Deborah living
3 in the home with your -- your mom and dad on Laramie?

4 A. '88, '89, and some parts of '90.

5 Q. Do you recall specifically when Ms. Sanders
6 stopped living with your -- your mom and dad in 1990?

7 A. Around August. Not August. Maybe September.

8 Q. Okay. And -- And where did Ms. Sanders go
9 when she stopped living with your parents?

10 A. Indianola, Mississippi.

11 Q. Okay. Were you living in the home with your
12 mom and dad and Ms. Sanders up until September of 1990?

13 A. Yes.

14 Q. And then after September of 1990, is that when
15 you began to stay at various, different places?

16 A. Yes.

17 Q. Okay. Why did Ms. Sanders stop living with
18 you?

19 A. She said I was cheating on her.

20 Q. How long -- Strike that.

21 When in 1990 were you released from custody?

22 A. July 25th.

23 Q. So from July until September, you lived with
24 your parents and Ms. Sanders at -- on the Laramie

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1 address; is that right?

2 A. Yes.

3 Q. Did anyone else live with you during that --
4 that -- that period of time?

5 A. Natasha and Veronica.

6 Q. After Ms. Sanders left in roughly September of
7 1990, did Natasha remain in the home with your parents?

8 A. Yes, sometimes.

9 Q. Where else would she stay?

10 A. Her grandmother's.

11 Q. When you were released from custody in July of
12 1990, were you paroled to your parents' address?

13 A. Yes.

14 Q. If you recall, how long was your parole?

15 A. Three years.

16 Q. And you said Ms. Sanders had -- had been
17 living with your parents while you were still in
18 custody; is that right?

19 A. Yes.

20 Q. Okay. Did Ms. Sanders move in with your
21 parents after you were married?

22 A. Yes.

23 Q. Did she continue to live there until -- up
24 until September of 1990?

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1 A. In '90, off and on, but yes.

2 Q. Okay. When you were released from custody in
3 July of 1990, as a part of your parole, were you
4 required to look for a job?

5 A. Yes.

6 Q. Okay. Did you?

7 A. Yes.

8 Q. Were you employed following your release from
9 incarceration in July of 1990?

10 A. No.

11 Q. And, Mr. Fletcher, how long did you remain out
12 of custody before you went back in?

13 A. December of '91.

14 Q. So from July of 1990 to December of '91, you
15 were out of custody?

16 A. Yes.

17 Q. Okay.

18 A. I had, I think, a few arrests within that
19 time, but I went back to prison in '91.

20 Q. Okay. During that time period, did -- were
21 you ever employed?

22 A. No.

23 Q. Did you look for employment during that time
24 period?

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1 A. Yes.

2 MR. STARR: Asked and answered.

3 BY MS. WEST:

4 Q. What were you doing to financially support
5 yourself from July of 1990 to December of '91?

6 A. Hustling.

7 Q. And what does that mean?

8 A. Selling drugs.

9 Q. And where did you sell drugs?

10 A. Cabrini-Green.

11 Q. What type of drugs did you sell?

12 A. Cocaine, heroin.

13 Q. Excuse me. Did you sell for anyone, a
14 specific person?

15 A. No.

16 Q. You just sold independently for -- for
17 yourself?

18 A. Yes.

19 Q. Okay. Where did you get the -- the drugs that
20 you sold?

21 A. What you mean where'd I get them?

22 Q. Did you have a supplier that you used to get
23 the drugs to sell?

24 A. Yes.

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1 **Q. Do you remember the name of your supplier?**

2 A. No.

3 **Q. Did you sell with anyone else?**

4 MR. STARR: Objection: form.

5 BY THE WITNESS:

6 A. No.

7 **Q. Were you making a lot of money?**

8 A. I guess. I -- I thought it was.

9 **Q. Did you make enough money to financially**
10 **support yourself?**

11 A. Yes.

12 **Q. How much money were you making?**

13 A. Between 10-, 15,000 a month.

14 **Q. Prior to July of 1990, had you ever sold drugs**
15 **before?**

16 A. No. I was in prison.

17 **Q. Prior to your first incarceration, did you**
18 **sell drugs?**

19 A. No.

20 **Q. Okay. So in 1990, that was the first time you**
21 **had ever sold drugs, sir?**

22 A. Yes.

23 **Q. Mr. Fletcher, do you know an individual by the**
24 **name of Terry Rogers?**

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1 A. Yes.

2 Q. Prior to December of 1990, did you know
3 Terry Rogers?

4 A. Yes.

5 Q. When did you first meet Mr. Rogers?

6 A. I'm not sure. Maybe late '70s.

7 Q. How did you come to -- to know Mr. Rogers?

8 A. Skating rink.

9 Q. Did Mr. Rogers live in your area in 1990?

10 MR. STARR: Objection: form, foundation.

11 BY THE WITNESS:

12 A. Yes.

13 Q. Do you recall where he lived?

14 A. I'm not sure. I think Washington and Pine.

15 I'm not sure.

16 Q. In 1990, did you consider Mr. Rogers a friend
17 of yours?

18 A. No.

19 Q. Okay. At any point in time in your life since
20 the 1970s after meeting him, did you consider
21 Terry Rogers a friend?

22 A. No.

23 Q. Did you skate with Terry Rogers?

24 MR. STARR: Objection to form of the question.

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1 BY THE WITNESS:

2 A. Not with him, against him, yes.

3 Q. What does that mean, "against him"?

4 A. We had a skate group. They had a skate group.

5 Q. Okay. Who is "we"? Who is your skate group?

6 A. The Magnificent Seven.

7 Q. How many people made up The Magnificent Seven?
8 Seven?

9 A. Yes.

10 Q. When was The Magnificent Seven formed?

11 A. '77 I'm gonna say.

12 Q. Were they friends of yours that you skated
13 with, The Magnificent Seven, the other people?

14 A. Yes.

15 Q. And then was Terry Rogers a part of a
16 different group?

17 A. Yes.

18 Q. And did that group have a name?

19 A. What were they? The Disco Wheelers.

20 Q. You say Willas (phonetic)?

21 A. Wheelers, yes.

22 Q. Wheelers?

23 A. Yes.

24 Q. Did you know any of the other people on the

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1 **skating group that Mr. Rogers was on?**

2 A. Yes, back then, yeah.

3 **Q. Were all of these individuals, if you know,**
4 **people from the neighborhood or the area?**

5 MR. STARR: Objection: foundation.

6 BY THE WITNESS:

7 A. Yes.

8 **Q. Do you know if Mr. Rogers was ever in a gang?**

9 A. Yes.

10 **Q. Okay. What gang was he a member of?**

11 A. Four Corner Hustlers.

12 **Q. Was somehow the skate group tied to that**
13 **particular gang?**

14 MR. STARR: Form, foundation, calls for
15 speculation.

16 BY THE WITNESS:

17 A. I'm not sure of that.

18 **Q. Okay. Were you ever in a gang?**

19 A. Yes.

20 **Q. What gang?**

21 A. Gangster Disciples.

22 **Q. When did you become a member of the Gangster**
23 **Disciples?**

24 A. '78, '77.

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1 **Q. The Magnificent Seven, any relation or**
2 **affiliation with Gangster Disciples?**

3 A. No.

4 MR. STARR: Belated form objection.

5 BY MS. WEST:

6 **Q. How long were you a member of the Gangster**
7 **Disciples?**

8 A. Let me see. I'm not sure when I -- I'll say
9 2020. I'm not sure.

10 **Q. Okay. So you remained a member until 20- --**

11 A. Not --

12 **Q. I'm sorry.**

13 A. 2000- -- Right before I went to the county
14 jail in '02, so just say like 2001, yeah '20.

15 **Q. Sorry. 2001 or 2020?**

16 A. It's like -- No, not '20. I mean 2001, right.

17 **Q. Okay. Thank you.**

18 A. 2000. I got it wrong. Yeah.

19 **Q. Thank you.**

20 **Do you have any -- hold any rank in the -- in**
21 **the gang?**

22 A. Then or now?

23 **Q. Then.**

24 A. Yes.

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1 **Q. What was your rank?**

2 A. In prison? I -- I had the cell house.

3 **Q. I'm sorry. Say that again. The cell house?**

4 **Is that --**

5 A. Yeah.

6 **Q. -- what you said?**

7 A. Yes.

8 **Q. That's a rank?**

9 A. Yes.

10 **Q. How about out of prison?**

11 A. Yes.

12 **Q. What was your rank while you were -- prior to**
13 **going into custody?**

14 A. They used to call me "The Gov."

15 **Q. Is that because your rank was governor?**

16 A. Yes.

17 **Q. What does that mean to be a governor rank in**
18 **the Gangster Disciples?**

19 MR. STARR: Objection: form, foundation.

20 BY THE WITNESS:

21 A. In charge.

22 **Q. Are you in charge of other individuals that**
23 **are members of the gang?**

24 A. In my building, yes.

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1 **Q. And what building are you referring to when**
2 **you say in your building?**

3 A. 939 North Hudson.

4 **Q. What's at 939 North Hudson?**

5 A. It was a project building.

6 **Q. And what were you in charge of specifically**
7 **within that building?**

8 A. Giving the guys my drugs to sell.

9 **Q. Okay. So you were in charge of drug sales out**
10 **of 939 North Hudson?**

11 A. Yes, and I was also selling.

12 **Q. Okay. What was the time period that you were**
13 **in charge of 939 North Hudson?**

14 A. From like '90 August to maybe February or
15 January.

16 **Q. Of '91?**

17 A. Yes.

18 **Q. How many people worked under you?**

19 A. Out of the building, maybe four or five.

20 **Q. Would you pay those four or five individuals**
21 **out of the profit that you made or the building made?**

22 A. Yes.

23 **Q. How much would you pay those people?**

24 MR. STARR: Objection: foundation.

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1 BY THE WITNESS:

2 A. If they sold, say, a thousand dollars worth,
3 I'd give them 300.

4 Q. Did you ever sell drugs with Terry Rogers?

5 A. No.

6 Q. Did -- Do you know if Terry Rogers ever sold
7 drugs himself?

8 MR. STARR: Foundation.

9 BY THE WITNESS:

10 A. I don't know.

11 Q. During that time period from August of 1990
12 until you went back into custody in '91, were you using
13 drugs?

14 A. Yes.

15 Q. What drugs were you using?

16 A. Heroin, cocaine.

17 Q. How often?

18 A. Every day.

19 Q. How much?

20 A. I'd say a couple grams a day, I would guess.

21 Q. And did you continue to use drugs up until you
22 were reincarcerated in 1991?

23 A. Yes.

24 Q. When was the last time you used an illegal

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1 **substance?**

2 A. Probably last year.

3 **Q. And what did you use last year?**

4 A. Cocaine.

5 **Q. Were you -- Strike that.**

6 **Following your release in 2020, did -- at any**
7 **point in time until now, have you had any regular use of**
8 **an illegal substance?**

9 A. No.

10 **Q. In 19- -- Following your release in 1990, as a**
11 **part of your parole, were you required to undergo drug**
12 **testing?**

13 A. Yes.

14 **Q. How did you do the drug testing if you were**
15 **using on a daily basis?**

16 MR. STARR: Objection to form.

17 BY THE WITNESS:

18 A. It was so crowded back then they didn't really
19 test you.

20 **Q. So there was never -- never a time that --**
21 **when you went for a drug test and you tested positive --**

22 A. No.

23 **Q. -- as a part of your parole?**

24 A. No.

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1 **Q. So prior to 1990, you had never sold drugs as**
2 **a part of the Gangster Disciples?**

3 A. No.

4 **Q. Any family members also members of the**
5 **Gangster Disciples while you were?**

6 A. You mean now or back then?

7 **Q. Back then.**

8 A. Yes, he's dead, though.

9 **Q. Okay. Are you currently still a member of the**
10 **Gangster Disciples?**

11 MR. STARR: Asked and answered.

12 BY THE WITNESS:

13 A. No.

14 **Q. You said while you were incarcerated, your**
15 **rank was cell house?**

16 A. Yeah.

17 **Q. What does that mean?**

18 MR. STARR: Objection: foundation.

19 BY THE WITNESS:

20 A. I ran the cell house.

21 **Q. Do you have any, like, responsibilities or**
22 **duties as the cell house while you were incarcerated?**

23 MR. STARR: Objection to form.
24

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1 BY THE WITNESS:

2 A. Just try to keep the peace.

3 Q. All right. I'm going to show you what we'll
4 mark as Exhibit 1.

5 (Fletcher Deposition Exhibit No. 1
6 marked as requested.)

7 BY MS. WEST:

8 Q. All right. Mr. Fletcher, have you seen this
9 document that's in front of you before? And I'll give
10 you a second if you'd like to look through it in its
11 entirety.

12 MR. STARR: Do you want him to read it?

13 MS. WEST: He doesn't have to read it. I just want
14 to see if he has recognized it.

15 MR. STARR: Okay.

16 BY THE WITNESS:

17 A. I may have seen it. I'm not for sure.

18 Q. Okay. So do you see at the top where it says
19 "Statement of Terry Rogers taken May 8th, 2002"?

20 A. Okay.

21 Q. Do you see that?

22 A. Yes.

23 Q. Okay. And do you see under where it says
24 "Present"? It's like four lines down from Terry Rogers.

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1 A. Okay. Yes.

2 Q. Do you see?

3 And it says "ASA Jennifer Walker." Do you see
4 that?

5 A. Yes.

6 Q. Okay. Do you know who ASA Jennifer Walker is?

7 A. Yes.

8 Q. Who is that?

9 A. Assistant State's Attorney.

10 Q. Okay. Did you ever have any interaction with
11 Ms. Walker?

12 A. I've seen her before.

13 Q. Where -- Where have you seen her before?

14 A. In Graham Correctional Center.

15 Q. Do you have any conversation with her at the
16 time at Graham Correctional?

17 A. No.

18 Q. Okay. Do you have an understanding that
19 Ms. Walker took the handwritten statement of
20 Mr. Terry Rogers?

21 MR. STARR: Objection: form, foundation, calls for
22 speculation.

23 BY THE WITNESS:

24 A. I wasn't there. I don't know.

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1 Q. Okay. Sir, you are aware that Mr. Rogers gave
2 a statement against you back in 2002, right?

3 A. Yes.

4 Q. Okay. And what is your understanding of
5 Mr. Rogers's prior statement against you?

6 MR. STARR: Objection: form, foundation.

7 BY THE WITNESS:

8 A. He lied on me.

9 Q. And what did he say in his statement?

10 A. That I committed a murder that I didn't.

11 Q. If you could flip to the last page of
12 Exhibit 1 -- Oh, I'm sorry. For the record, this is
13 CITY-JF-161 through 164.

14 Do you see the last page there, sir?

15 A. Yeah.

16 Q. Okay. Is that a photograph from the Illinois
17 Department of Corrections of you?

18 A. Yes.

19 Q. Okay. And it's under the name Arnold Dixon,
20 right?

21 A. Yes.

22 Q. Okay. And that's the alias you used at the
23 time, right?

24 A. I don't know what date this was.

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1 Oh, 2/12/02. Yes.

2 Q. Okay. If you could take a second and look
3 through and read the substance of this and then I'm
4 going to ask you a couple questions. Okay?

5 MR. STARR: And then when we're done with this
6 exhibit, if we can use another five-minute break.

7 MS. WEST: Yeah.

8 MR. STARR: I'd appreciate it.

9 MS. WEST: Totally fine. I know we're probably
10 close anyway.

11 THE VIDEOGRAPHER: Yeah.

12 MS. WEST: Okay.

13 (Brief pause.)

14 BY THE WITNESS:

15 A. Okay.

16 MR. STARR: She wants you to read the entire thing.
17 Did you read the entire thing?

18 THE WITNESS: Yeah.

19 MR. STARR: Well, don't just skim it. I mean,
20 she's going to ask you questions so I want you to
21 actually have read it.

22 MS. WEST: Yeah, take your time.

23 MR. STARR: Because that's -- That was pretty fast
24 if you read the whole thing.

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1 (Brief pause.)

2 BY THE WITNESS:

3 A. Yeah. Okay.

4 Q. Okay. Have you had a chance to review what we
5 marked as Exhibit 1, the document in front of you?

6 A. Yes. Okay.

7 Q. Okay. Does -- After reviewing this document,
8 does it refresh your memory of whether or not you've
9 ever seen this before?

10 A. Yes, I've seen it.

11 Q. Okay. Before today's date, have you ever seen
12 this document that you just reviewed?

13 A. Yes.

14 Q. Okay. Do you recall the first time you ever
15 saw this document?

16 A. No.

17 Q. Okay. But you have seen it before today,
18 right?

19 A. Yes.

20 Q. Okay. In the statement on the first page, do
21 you see at the bottom where it says, "Terry states
22 Exhibit A is a picture of the guy he knows as," and it
23 continues on the next page to say "Fletcher."

24 Do you see that?

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1 A. Yes.

2 Q. Okay. And as we previously discussed, the
3 picture on the last page, that is a photograph of you,
4 correct, sir?

5 A. Yes.

6 MR. STARR: Asked and answered.

7 BY MS. WEST:

8 Q. And within this statement, Mr. Rogers
9 identifies you as being one of the offenders that robbed
10 Mr. Cooper on the date in question, correct?

11 A. That's what he says, yes.

12 Q. Okay.

13 MS. WEST: You guys want to take a break?

14 MR. STARR: Sure. Are you done with it?

15 MS. WEST: Yep.

16 MR. STARR: Okay.

17 THE VIDEOGRAPHER: Okay. We are going off the
18 video record at 11:21 a.m., and this is the end of Video
19 Media 1.

20 (A short break was had.)

21 THE VIDEOGRAPHER: We are back on video record at
22 11:28 a.m. This is the beginning of Video Media 2.

23 BY MS. WEST:

24 Q. Mr. Fletcher, I'm going to show you what we'll

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1 mark as Exhibit 2.

2 (Fletcher Deposition Exhibit No. 2
3 marked as requested.)

4 BY MS. WEST:

5 Q. All right. And, Mr. Fletcher -- Oh, sorry.
6 For the record, this is CITY-JF-40 through 46.

7 Have you seen this document that's in front of
8 you before?

9 A. Yes.

10 Q. Okay. And you understand this is the
11 handwritten statement of Sheenee Friend?

12 A. It's the handwritten statement of her? Okay.

13 Q. Have you seen this specific document before
14 today, sir?

15 A. I just answered yes.

16 Q. Yes? Okay.

17 And you see that ASA Jennifer Walker's name is
18 at the top of this statement as well? Do you see that?

19 A. Yes.

20 Q. Okay. And as a part of this exhibit, the last
21 page, is that a photograph of you, sir?

22 A. Yes.

23 Q. Okay. And in -- In this statement of
24 Ms. Friend, she identifies you as one of the offenders

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1 **that was involved in the homicide of Willie Sorrell,**
2 **correct?**

3 MR. STARR: Objection: foundation. Do you -- Do
4 you want him to read this one as well?

5 MS. WEST: Sure. We'll --

6 BY MS. WEST:

7 Q. So here, would you like to take a look at it?
8 I know you said you mentioned [sic] it before; but if
9 you'd like to read through it for substance --

10 A. Okay.

11 Q. -- feel free.

12 (Brief pause.)

13 BY THE WITNESS:

14 A. Okay.

15 Q. Okay. Mr. Fletcher, have you had an
16 opportunity to look through the statement that's in
17 front of you?

18 A. Yes.

19 Q. Okay. And in the statement of Ms. Friend, she
20 identifies you as being one of the offenders involved in
21 the homicide of Willie Sorrell, correct?

22 A. Yeah.

23 Q. Okay. Did you know Ms. Friend prior to March
24 of '02?

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1 A. No.

2 Q. Do you know if -- Strike that.

3 Following your arrest in 2002 related to the
4 Willie Sorrell homicide, did you have any communications
5 with Ms. Friend?

6 A. No.

7 Q. Do you know whether any of your family members
8 knew Ms. Friend prior to March of 2002?

9 A. No, they didn't.

10 Q. Since your release from custody in 2000- --
11 I'm sorry -- 2020, have you spoken to Ms. Friend?

12 A. No.

13 Q. After you were convicted in 2005, did you
14 speak with Ms. Friend on the phone?

15 A. No.

16 Q. Did you write her any letters while you were
17 incarcerated following your conviction in 2005?

18 A. No.

19 Q. Did you correspond with her via e-mail
20 following your conviction in 2005?

21 A. No.

22 Q. Between the time you were arrested in 2002
23 until you were convicted in 2005, did you have any
24 communication with Ms. Friend?

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1 A. No.

2 Q. From 2002 to 2005, did you direct any family
3 members to pay Ms. Friend money in exchange for her not
4 to come to court?

5 MR. STARR: Objection: form, foundation.

6 BY THE WITNESS:

7 A. No.

8 Q. And now I can't recall if I included this in
9 my last question, so I apologize if I'm asking this
10 again.

11 Did you direct any friends to send Ms. Friend
12 money in exchange for not coming to court?

13 A. No.

14 MR. STARR: Objection to form and foundation.

15 BY MS. WEST:

16 Q. Did any of your family members ever tell you
17 that they gave Ms. Friend money so that she wouldn't
18 come to court and testify against you?

19 A. No.

20 Q. Did any friend of yours tell you that they
21 gave Ms. Friend money so that she wouldn't come to court
22 and testify against you?

23 A. No.

24 Q. To your knowledge, has -- Strike that.

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1 **You can put that aside.**

2 **Prior to December of 1990, did you know**
3 **Edward Cooper?**

4 A. No.

5 **Q. Have you ever spoken to Mr. Cooper?**

6 A. No.

7 **Q. Have you ever sent Mr. Cooper any**
8 **correspondence either in the form of a letter or through**
9 **an e-mail?**

10 A. Not that I remember, no.

11 **Q. Therefore, safe to say you haven't had any**
12 **communication directly with Mr. Cooper since your**
13 **conviction in 2005?**

14 A. None.

15 **Q. And, again, safe to say you haven't had any**
16 **communications with Mr. Fletcher [sic] since your**
17 **release from incarceration in 2020?**

18 A. I'm Mr. Fletcher.

19 **Q. I'm sorry. Mr. Cooper. Thank you.**

20 A. No.

21 MR. STARR: Belated objection to form and
22 foundation on the last question.

23 BY MS. WEST:

24 **Q. Are you aware that Mr. Cooper has given**

James Fletcher Jr. v. Jerome Bogucki; et al.
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1 **testimony in your civil case?**

2 A. That he's been deposed?

3 **Q. Correct.**

4 A. Yes.

5 **Q. Okay. And you didn't speak with him about his**
6 **testimony, correct?**

7 A. No.

8 **Q. To your knowledge, did any family members**
9 **speak with Mr. Cooper prior to your trial in 2005?**

10 MR. STARR: Objection: foundation.

11 BY THE WITNESS:

12 A. Speak to him prior to my trial?
13 Investigators? You say family members?

14 **Q. Yes, sir.**

15 A. Maybe my dad.

16 **Q. Do you have a recollection of your father**
17 **speaking with Mr. Cooper prior to the 2005 trial?**

18 MR. STARR: Objection: form, foundation, asked and
19 answered.

20 BY THE WITNESS:

21 A. Maybe my dad.

22 **Q. Okay. Do you recall having a conversation**
23 **with your father about a meeting he might have had with**
24 **Mr. Cooper?**

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1 MR. STARR: Form, foundation.

2 BY THE WITNESS:

3 A. No.

4 Q. How is it then that you know that your father
5 might have had a meeting with Mr. Cooper?

6 MR. STARR: Objection: form, foundation,
7 mischaracterizes his prior testimony.

8 BY THE WITNESS:

9 A. My dad was working for Frederick Cohn, and
10 Frederick Cohn wanted to send him out there to talk to
11 Cooper.

12 Q. And did he go see Mr. Cooper?

13 MR. STARR: Form, foundation.

14 BY THE WITNESS:

15 A. He tried.

16 Q. Was he successful?

17 A. I don't know.

18 MR. STARR: Foundation.

19 BY MS. WEST:

20 Q. Do you know if your father ever spoke with
21 Mr. Cooper after your 2005 trial?

22 MR. STARR: Foundation.

23 BY THE WITNESS:

24 A. I don't think so.

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1 **Q. Did your father ever have a conversation with**
2 **you about using a private investigator to locate**
3 **Mr. Cooper following your 2005 trial?**

4 MR. STARR: Foundation.

5 BY THE WITNESS:

6 A. Yes, probably.

7 **Q. What do you recall about that conversation?**

8 A. I don't remember, but I remember telling him,
9 I need an investigator.

10 **Q. And did your dad get you an investigator?**

11 MR. STARR: Objection: foundation.

12 BY THE WITNESS:

13 A. I think so, yeah.

14 **Q. Do you recall when this was? What year?**

15 A. Maybe '12. I'm not sure.

16 **Q. Did a private investigator ever make contact**
17 **with Mr. Cooper following your 2005 trial?**

18 MR. STARR: Form, foundation, speculation. And I
19 would instruct the client not to testify about anything
20 that he may have learned from his attorney regarding
21 that question.

22 But if you know otherwise -- any of your
23 attorneys, including myself --

24 THE WITNESS: All right.

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1 MR. STARR: -- if you know otherwise, you can --
2 you can answer.

3 BY THE WITNESS:

4 A. I don't know.

5 Q. All right. I'm going to show you what we'll
6 mark as Exhibit 3.

7 (Fletcher Deposition Exhibit No. 3
8 marked as requested.)

9 BY MS. WEST:

10 Q. Okay. Mr. Fletcher, have you -- Or actually,
11 let me have you just flip through this document and take
12 a second --

13 A. Okay.

14 Q. -- to look at it. And when you've had a
15 chance just to generally look through it, let me know.

16 MR. STARR: So you want -- You don't want him to
17 read the whole thing, just take a look at it?

18 MS. WEST: Nodding.

19 MR. STARR: Okay.

20 (Brief pause.)

21 BY THE WITNESS:

22 A. Okay.

23 Q. Have you ever seen this document before?

24 A. Yes, I think so.

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1 Q. Okay. For the record, this is Bates-stamped
2 Fletcher 10 through 12.

3 This is an affidavit of your father; is that
4 right?

5 A. Yes.

6 Q. Okay. And from the last page, it looks like
7 it was dated 10/31/2012. Do you see that?

8 A. Yes.

9 Q. Okay. Do you know if this affidavit was ever
10 attached to any of your petitions for post-con- -- your
11 post-conviction petitions?

12 MR. STARR: Form, foundation.

13 BY THE WITNESS:

14 A. It should have been, yeah.

15 Q. I just want to direct you to a couple things.
16 On this first page, do you see towards the bottom where
17 it says Edward Cooper's name?

18 A. Yes.

19 Q. Okay. Do you see Paragraph 10 where it says,
20 "I hired Johnny Outlaw to talk to him"? Do you see
21 that?

22 A. Yes.

23 Q. Do you know who Johnny Outlaw is?

24 A. Yes.

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1 **Q. Who is that?**

2 A. A friend of mine. He's deceased now.

3 **Q. Did your friend Mr. Outlaw work in the**
4 **capacity as a private investigator?**

5 A. Yeah.

6 MR. STARR: Foundation.

7 BY THE WITNESS:

8 A. Yes.

9 **Q. Yes?**

10 **Did Mr. Outlaw at the time work for any**
11 **specific company as a private investigator?**

12 MR. STARR: Foundation.

13 BY THE WITNESS:

14 A. He did some work for Frederick Cohn and other
15 attorneys.

16 **Q. And earlier when I asked you if your father**
17 **ever hired a private investigator to speak with**
18 **Mr. Cooper, is this an individual that rings a bell that**
19 **would have been a private investigator that your father**
20 **hired?**

21 A. Well --

22 MR. STARR: Objection: form and foundation.

23 BY THE WITNESS:

24 A. Now, yes.

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1 **Q. Okay. Do you recall your father hiring**
2 **Johnny Outlaw to speak with Mr. Cooper?**

3 A. Nah. It was so long ago, but if it's here.

4 **Q. Did you specifically ask your father to help**
5 **locate Mr. Cooper following your 2005 trial?**

6 MR. STARR: Objection: form, foundation, asked and
7 answered.

8 BY THE WITNESS:

9 A. The investigator, yes.

10 **Q. Okay. Okay. And then do you see on the next**
11 **page, Page 2, Paragraph 12, "After several meetings,**
12 **Cooper agreed to talk to Johnny and gave him an**
13 **affidavit in 2011"? Do you see that?**

14 A. Yes.

15 **Q. What is your knowledge of the affidavit that**
16 **Mr. Cooper gave in 2011?**

17 MR. STARR: Form, foundation, and speculation.

18 BY THE WITNESS:

19 A. I mean, to tell you the truth, I had forgot,
20 but it's here, yeah.

21 **Q. Have you ever seen an affidavit that**
22 **Mr. Cooper signed that's dated from 2011?**

23 MR. STARR: Form, foundation, speculation.
24

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1 BY THE WITNESS:

2 A. This one?

3 **Q. No. So --**

4 MR. STARR: Just make sure you listen to what she's
5 asking you. I don't want you to be confused. Just --

6 THE WITNESS: Yeah, I'm confused.

7 MR. STARR: -- just -- Just answer the question
8 she's asking.

9 BY MS. WEST:

10 **Q. Fair enough. Let me try this again.**

11 **So have you ever seen an affidavit authored by**
12 **Mr. Cooper following your conviction in 2005?**

13 MR. STARR: Form, foundation, speculation.

14 You can answer.

15 BY THE WITNESS:

16 A. I don't really understand it. This one?

17 **Q. No. So this is an affidavit of your father,**
18 **correct?**

19 A. Okay.

20 **Q. Have you ever seen a different affidavit**
21 **authored by Mr. Cooper?**

22 MR. STARR: Same objections.

23 BY THE WITNESS:

24 A. I don't know because I don't really understand

James Fletcher Jr. v. Jerome Bogucki; et al.
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1 what you're saying.

2 **Q. Sure. Are you aware that Mr. Cooper gave a**
3 **statement or an affidavit in 2011 regarding your**
4 **involvement in the Willie Sorrell homicide?**

5 MR. STARR: Asked and answered.

6 BY THE WITNESS:

7 A. This one. I'm not understanding what you
8 mean.

9 **Q. Sure. So, Mr. Fletcher, you filed several**
10 **petitions related to the post-conviction, correct?**

11 A. Yes.

12 **Q. Okay. And among those petitions, are you**
13 **aware that an affidavit or a statement by Mr. Cooper was**
14 **attached to one of those post-conviction petitions?**

15 MR. STARR: Objection to form.

16 BY THE WITNESS:

17 A. I don't know. Probably. I was trying to get
18 out of prison for a crime I didn't commit.

19 **Q. Are you aware that Mr. Cooper has since given**
20 **a different -- a statement different from what he**
21 **testified to at trial in 2005?**

22 MR. STARR: Objection: form, foundation.

23 And, again, just as far as anything you may
24 have learned from me or another attorney, you're --

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1 that's privileged information. I'm going to instruct
2 you not to answer. But if you know that because you've
3 seen it or any other reason, you can -- you can testify.

4 BY THE WITNESS:

5 A. (Unintelligible.)

6 THE COURT REPORTER: I'm sorry, sir?

7 BY THE WITNESS:

8 A. No, I don't know.

9 Q. So you're not aware one way or the other if
10 Mr. Cooper ever gave a subsequent statement changing or
11 recanting his testimony from 2005?

12 MR. STARR: Same objection.

13 Same instruction. If you're generally aware,
14 you can -- you can answer it.

15 BY THE WITNESS:

16 A. No. Like this?

17 Q. Yeah, so let's -- You can set that aside.

18 A. Okay.

19 Q. We won't talk about if that's part of the
20 confusion here.

21 So let me try this again.

22 Are you aware if Mr. Cooper ever gave a
23 statement that was different from the way he testified
24 in 2005 at your trial?

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1 A. This. I'm not -- This one, when he recanted
2 what he told.

3 MR. STARR: Do -- Do you need -- Do you need a
4 break?

5 THE WITNESS: No. I don't understand what she's
6 saying.

7 MR. STARR: Okay.

8 THE WITNESS: I mean, this statement.

9 MR. STARR: Right. I don't want to ...

10 MS. WEST: Yeah.

11 MR. STARR: I don't want a speaking objection, but
12 I just want to make sure he's not confused.

13 MS. WEST: That's fine.

14 BY THE WITNESS:

15 A. I'm definitely confused.

16 **Q. All right. We'll try to clear it up then.**

17 **So putting this aside and not considering this**
18 **affidavit --**

19 A. Yes.

20 **Q. -- are you aware if -- are you aware that**
21 **Mr. Cooper gave a statement following your 2005 trial**
22 **that was different from the way he testified during your**
23 **2005 trial?**

24 MR. STARR: Objection to form.

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1 BY THE WITNESS:

2 A. I'm steady going back to the affidavit.

3 Q. Okay. And this affidavit is an affidavit of
4 your father, Exhibit 3, correct?

5 A. Yes.

6 Q. Okay. This isn't an affidavit of
7 Mr. Edward Cooper, right?

8 A. Oh, okay.

9 Q. Do you understand that?

10 A. Oh, okay.

11 Q. Okay. It talks about Mr. Cooper within the
12 affidavit, but it's -- it's not an affidavit of
13 Mr. Cooper.

14 A. Okay.

15 Q. Okay?

16 A. Well, I don't remember if he gave
17 Johnny Outlaw an affidavit.

18 Q. Okay. So based on -- And we will go back to
19 this.

20 A. Okay.

21 Q. You can take a look at that again. Based on
22 Paragraph 12 on Page 2, do you agree that, based on this
23 affidavit, Cooper agreed to talk to Johnny and gave him
24 an affidavit?

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1 MR. STARR: Form.

2 BY MS. WEST:

3 Q. Do you see that?

4 MR. STARR: Form.

5 BY THE WITNESS:

6 A. I see what it says.

7 Q. Okay. Have you ever seen an affidavit of
8 Edward Cooper from 2011?

9 A. I don't -- I don't remember.

10 Q. Okay. Fair enough.

11 Prior to December 1990, did you know
12 Emmett Wade?

13 A. No.

14 Q. Do you know who that individual is?

15 A. Yes.

16 Q. Prior to your trial in 2005, did you
17 communicate in any way with Mr. Wade?

18 A. No.

19 Q. Prior to 2005, to your knowledge, did any
20 family member of yours communicate with Mr. Wade?

21 MR. STARR: Form, foundation, speculation.

22 BY THE WITNESS:

23 A. Probably my dad.

24 Q. And why do you say that?

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1 A. Because he was working for Frederick Cohn.

2 MR. STARR: Can we take a break?

3 MS. WEST: Sure.

4 MR. STARR: I just want to make sure that the
5 record is clear, and I don't want him to be confused.

6 THE VIDEOGRAPHER: Okay. We are going off the
7 video record at 11:50 a.m.

8 (A short break was had.)

9 THE VIDEOGRAPHER: We are back on video record at
10 11:55 a.m.

11 BY MS. WEST:

12 Q. All right. Mr. Fletcher, I will have you take
13 a look at Exhibit 3 again, please.

14 A. Okay.

15 Q. If you could look at Paragraph 4 on the first
16 page -- I'm sorry. Take a look at Paragraph 3 and 4,
17 and tell me when you've had an opportunity to read
18 through those.

19 (Brief pause.)

20 BY THE WITNESS:

21 A. Okay.

22 Q. Based on the affidavit and what you just read,
23 it appears that your father talked to Mr. Wade on the
24 day of your trial. Do you agree?

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1 MR. STARR: Objection to form, foundation.

2 BY THE WITNESS:

3 A. If that's what it says, yeah.

4 Q. Okay. Did you ever have a conversation with
5 your father about the conversation he had with Mr. Wade
6 on the day of your trial?

7 A. No.

8 Q. Mr. Wade testified at your criminal trial,
9 correct?

10 A. Yes.

11 Q. And you heard him testify, sir?

12 A. Yes.

13 Q. Okay. And Mr. Wade testified that he was
14 unable to make an identification of an offender that was
15 involved in the Sorrell homicide, correct?

16 MR. STARR: Form, foundation.

17 BY THE WITNESS:

18 A. I think he did, yes.

19 Q. If you could take a look on Page 2 of
20 Exhibit 3, Paragraph 14 through 17, if you could just
21 read that and let me know when you're finished, please.

22 (Brief pause.)

23 BY THE WITNESS:

24 A. Okay. I'm finished.

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1 MR. STARR: Read the whole thing. Did you read the
2 whole thing?

3 THE WITNESS: Paragraph 14?

4 MR. STARR: 14 through 17.

5 MS. WEST: Oh, 14 through 17.

6 THE WITNESS: Oh.

7 MS. WEST: All of them, please.

8 (Brief pause.)

9 BY THE WITNESS:

10 A. Okay.

11 **Q. Okay. Based on what is contained in your**
12 **father's affidavit here, your father attempted to locate**
13 **Mr. Wade following the trial, correct?**

14 MR. STARR: Form, foundation.

15 BY THE WITNESS:

16 A. Yes.

17 **Q. Was that at your direction?**

18 A. Through me and Frederick Cohn, yes.

19 **Q. Okay. Meaning, aside from the paper, do you**
20 **have an independent recollection of asking your dad to**
21 **locate Mr. Wade following your trial?**

22 A. Me and Frederick Cohn, yes.

23 **Q. Okay. Did you communicate with your father**
24 **about his attempts to locate Mr. Wade following your**

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1 **trial?**

2 A. I don't remember.

3 **Q. Do you recall having any conversation with**
4 **your father following your 2005 conviction about his**
5 **attempts to locate Mr. Wade?**

6 A. I probably did, but I don't remember.

7 **Q. Why did you want your father to locate**
8 **Mr. Wade?**

9 A. Because I was trying to get out of a prison
10 for a crime I didn't commit.

11 **Q. And why did you think Mr. Wade would help and**
12 **facilitate that goal?**

13 A. When I talked to Frederick Cohn, he didn't
14 just say Wade --

15 MR. STARR: Hold on a second. Don't talk about
16 what you conversed with your attorney about. Okay?

17 THE WITNESS: Okay.

18 MR. STARR: So you can answer her question. She's
19 asking what you thought, but don't talk about your
20 conversations with your attorneys, whether it was me,
21 Mr. Cohn, Ms. Blagg, any other attorneys. Okay? That's
22 privileged.

23 BY THE WITNESS:

24 A. Could you rephrase -- Could you ask me it

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1 again?

2 **Q. Sure.**

3 MS. WEST: Do you mind to read it back, please?

4 Thank you.

5 (Record read as requested.)

6 BY THE WITNESS:

7 A. He was a witness.

8 **Q. And you heard him testify at trial, correct?**

9 A. Yes.

10 **Q. And by the way -- I apologize if -- because I**
11 **don't know this. Did -- Was there a point in time when**
12 **Mr. Cohn represented you?**

13 A. Yes.

14 **Q. Okay. When did Mr. Cohn represent you?**

15 A. On my direct appeal.

16 **Q. Okay. Did you have a public defender at one**
17 **point in time for your direct appeal?**

18 A. I don't think so.

19 **Q. Okay. Did your father obtain an affidavit**
20 **from Mr. Wade?**

21 A. I don't know.

22 **Q. Based on what you just read here,**
23 **Paragraphs 14 through 17 in the affidavit of your**
24 **father, Page -- or Paragraph 17 specifically, the last**

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1 **sentence, do you see where it says, "He gave us an**
2 **affidavit at that time"?**

3 MR. STARR: Objection: form. The document speaks
4 for itself.

5 BY THE WITNESS:

6 A. It says "us." I don't know who "us" is.

7 Q. Okay. Do you have an independent recollection
8 of your father telling you that he obtained an affidavit
9 from Mr. Wade?

10 A. No.

11 Q. Have you ever seen an affidavit that Mr. Wade
12 provided?

13 A. Probably. I think on my successive post, I
14 think.

15 Q. Was it attached to that successive
16 post-conviction petition?

17 A. Yes, probably, yes.

18 Q. Do you have a recollection of what the
19 affidavit of Mr. Wade said?

20 A. (Shaking head.)

21 Q. Is that a no?

22 A. No, I don't remember.

23 Q. Okay. And have you ever spoken to Emmett Wade
24 since your conviction in 2005?

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1 A. No, I have never spoken to Emmett Wade.

2 **Q. Are you aware that Mr. Wade was deposed in**
3 **this current litigation, this incident litigation?**

4 MR. STARR: Again, just -- not to beat a dead horse
5 here, but I'm going to instruct you, you can testify
6 generally but don't testify about anything that I may
7 have told you. Okay?

8 BY THE WITNESS:

9 A. Yes.

10 **Q. Other than your father speaking with Mr. Wade,**
11 **are you aware if any other family member spoke with**
12 **Mr. Wade following your 2005 conviction?**

13 MR. STARR: Form, foundation, speculation.

14 BY THE WITNESS:

15 A. No.

16 **Q. Are you aware if any family members have**
17 **spoken to Mr. Wade since your release from incarceration**
18 **in 2020?**

19 MR. STARR: Same objections.

20 BY THE WITNESS:

21 A. No.

22 **Q. All right. You can put that aside. I'm going**
23 **to show you what we'll mark as Exhibit 4.**

24

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1 (Fletcher Deposition Exhibit No. 4
2 marked as requested.)

3 MS. WEST: All right. For the record, this is
4 CITY-JF-140 through 148.

5 BY MS. WEST:

6 **Q. Mr. Fletcher, have you ever seen the document**
7 **that's in front of you?**

8 A. Yes.

9 **Q. Okay. What is this document?**

10 A. I guess the police report or the autopsy
11 report or something.

12 **Q. Do you recall your first interview with the**
13 **police related to the investigation into the**
14 **Willie Sorrell homicide?**

15 MR. STARR: Could you ask that again? I'm sorry.

16 MS. WEST: Sure.

17 BY MS. WEST:

18 **Q. Do you recall your first interview regarding**
19 **the investigation into the homicide of Willie Sorrell?**

20 A. Yes.

21 **Q. Okay. During that first interview -- Strike**
22 **that.**

23 **Where did that first interview take place?**

24 A. Graham Correctional Center.

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1 **Q. Okay. And who interviewed you?**

2 A. Two detectives from Area 5.

3 **Q. Do you recall their names?**

4 A. I don't know how to pronounce it but Botucki
5 [sic], Boducki [sic], and Schalke [sic].

6 **Q. Okay. During that -- Strike that.**

7 **Was anyone else present other than the two**
8 **detectives and yourself?**

9 A. Assistant State's Attorney Walker.

10 **Q. Okay. During that initial interview with the**
11 **two detectives and ASA Walker, you denied participation**
12 **in the homicide of Willie Sorrell, correct?**

13 A. Yes.

14 **Q. Okay. And during that interaction -- the**
15 **first interaction with the two detectives and**
16 **ASA Walker, you denied knowledge of the Willie Sorrell**
17 **homicide that took place in December of 1990, correct?**

18 A. Yes.

19 MR. STARR: Objection to form, foundation.

20 BY MS. WEST:

21 **Q. If you can take a look at Page -- So it's**
22 **Page 6 of the document. The Bates stamp is CITY-JF-145.**

23 A. Page 6?

24 **Q. Yes.**

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1 A. Okay.

2 Q. Okay. Towards the bottom of this page, do you
3 see your name, James Fletcher?

4 A. Yes.

5 Q. Okay. If you could take a second to read that
6 paragraph under your name, please, and let me know when
7 you're finished.

8 (Brief pause.)

9 BY THE WITNESS:

10 A. Okay.

11 Q. Okay. And based on what you just read, it's
12 document -- documented that you, in fact, denied any
13 knowledge or participation in the murder of
14 Willie Sorrell, correct?

15 MR. STARR: Asked and answered.

16 BY THE WITNESS:

17 A. Yes.

18 Q. Okay. You stated that you didn't know what
19 you were doing on December 21st of 1990 but that you
20 were not on Madison and Central, correct?

21 A. Yes.

22 MR. STARR: Objection: form, foundation.

23 BY MS. WEST:

24 Q. I'm sorry. I didn't get your answer.

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1 A. Yes.

2 Q. Instead, you stated that you were selling dope
3 at Cabrini-Green in December of 1990, correct?

4 MR. STARR: Objection: form, foundation. Are
5 you -- I'm sorry. Are you asking if this is what the
6 document says or that's what he told the police?

7 MS. WEST: We can do it both ways.

8 MR. STARR: Okay.

9 BY MS. WEST:

10 Q. Do you have an independent recollection of
11 telling the police during that first initial interview
12 at Graham Correctional that in December of 1990 you were
13 selling dope at Cabrini-Green?

14 A. Yes, I told him this as I was walking out the
15 door.

16 Q. Okay. And that is also what is documented
17 here in the police report that you just reviewed,
18 correct?

19 A. Yes.

20 Q. Okay. Do you have an independent recollection
21 of telling the police during that interview that your
22 dope business was doing very well and you didn't have to
23 do any armed robberies to get money?

24 A. I probably did. I was pissed off, yeah.

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1 Q. Okay. And that is also documented in the
2 police report that you just read, correct?

3 A. Yes.

4 Q. During that first interview with the
5 detectives and ASA Walker, did you tell the police that
6 you knew who Terry Rogers was?

7 A. Not at first. They first showed me a picture
8 of him. I didn't know who he was.

9 Q. During the course of that interview, at some
10 point in time, did you tell them that you knew who
11 Terry Rogers was?

12 A. Yes.

13 Q. Okay. And that's also documented here in the
14 police report, that "Fletcher knew Terry Rogers,"
15 correct?

16 A. Yes.

17 Q. Okay. And do you also see where it says --
18 I'm going to finish that sentence -- Fletcher knew
19 Terry Rogers, but did not know why he would say that he
20 was involved in the [sic] murder? Do you see where it
21 says that?

22 A. Yes, I see that.

23 Q. Okay. Did you say that to the detectives
24 during the interview?

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1 A. I don't remember that, but I probably did.

2 Q. Okay. In 2002, when the detectives came to
3 speak with you at Graham Correctional, did you know that
4 Terry Rogers had implicated you in the Willie Sorrell
5 homicide?

6 A. No.

7 MR. STARR: Objection: form, foundation.

8 BY MS. WEST:

9 Q. During that initial interview at Graham
10 Correctional with the two detectives and ASA Walker, did
11 either of the detectives threaten you in any way?

12 A. Yes.

13 Q. What was said?

14 A. The threatening part --

15 Q. Correct.

16 A. -- or the whole con- -- Well, he said if I
17 don't sit back down -- It took him four and a half hours
18 to drive down to Graham Correctional Center -- this
19 Botucki [sic] or Boducki [sic], whatever his name is --
20 if I don't sit back down and talk to him, I would have a
21 body.

22 Q. Say that last part again.

23 A. If I don't sit down and talk to him by the
24 time he makes it home four and a half hours, I would

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1 have a body.

2 Q. And did he say this in front of the other
3 detective and ASA Walker?

4 A. Yes.

5 Q. Was anyone else present while
6 Detective Bogucki said that to you?

7 A. No.

8 Q. Did Detective Schalk say anything during --
9 during that statement?

10 A. No.

11 Q. Did ASA Walker respond to Detective Bogucki's
12 comment?

13 A. No.

14 Q. Was there a prison official present in the
15 room as well?

16 A. I don't know if he was in the room or they
17 made him sit outside the door. I'm not sure.

18 Q. What did you say in response to
19 Detective Bogucki's statement?

20 A. "Fuck you. Do your job."

21 Q. And what did he say in response to that?

22 A. "Okay."

23 Q. Did -- During the course of that interview
24 with Detective Bogucki, Schalk, and ASA Walker, did

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1 **Detective Bogucki make any other statements that you**
2 **interpreted as threatening?**

3 A. Well, when he first came in when I first sat
4 down, he told me who he was; he told me who the other
5 detective was; and he started asking me did I know this
6 guy, a guy named "Meat Man," which at that time I
7 hadn't, and I told him no. So then he goes on to say,
8 Well, did you know a guy named Anthony Powell. He
9 called him Tony Powell. And I told him yeah. So he
10 says, How would you like to be a confidential informant
11 for me? And I told him, You got me fucked up. I'm not
12 gonna be no rat. I don't do that.

13 **Q. And what did he say in response?**

14 A. That's when he threw the picture down, the
15 picture of the guy he was at the time -- It was a
16 picture of -- one picture of a guy. He was bald headed,
17 and he said, Do you know him?

18 **Q. Did you know that individual?**

19 A. No, not when he first threw the picture down.

20 **Q. At some point in time during that interaction,**
21 **did you realize or --**

22 A. Yeah.

23 **Q. -- identify that individual?**

24 A. After he threw the picture down, I asked him,

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1 like, Who the hell is that? And he said, That's
2 Terry Rogers. So I'm like, Wow, he didn't age bad.

3 **Q. What else did Detective Bogucki say to you**
4 **during that interaction that you recall?**

5 A. Terry Rogers told him that I was -- did this
6 murder over there on Central and Madison.

7 **Q. Did Detective Schalk say anything during this**
8 **interaction?**

9 A. No.

10 **Q. Didn't say anything at all to you?**

11 A. No.

12 **Q. Did ASA Walker say anything during the**
13 **interaction?**

14 A. No.

15 **Q. Did either one of the detectives physically**
16 **harm you in any way?**

17 A. That day, no.

18 **Q. Okay. Detective Schalk didn't make any**
19 **threatening comments to you, correct?**

20 A. Not that day, no.

21 **Q. How long was the meeting?**

22 MR. STARR: Foundation.

23 BY THE WITNESS:

24 A. I'm not sure. It was fast. No more than

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1 15 minutes.

2 Q. How did -- If you recall, how did the -- the
3 meeting end or the interview conclude?

4 A. When he told me that he accused me of this
5 murder in 1990 and I told him no. There's a
6 button you've got to hit to buzz out. I hit the button
7 and was trying to get out.

8 Q. Okay. So you yourself ended the interview?

9 A. Yes.

10 Q. Okay. All right. You can set that aside,
11 sir.

12 Let me ask you this: Tony Powell, who is
13 Tony Powell?

14 A. A friend of mine that died in prison, in
15 Graham.

16 Q. And how is it that -- that the detective was
17 asking you to be involved, if you understood, as a --
18 Let me start over. Strike that.

19 How was Tony Powell connected to you being an
20 informant for the detectives?

21 MR. STARR: Form, foundation, calls for
22 speculation --

23 BY THE WITNESS:

24 A. I don't know.

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1 MR. STARR: -- mischaracterizes prior testimony.

2 BY THE WITNESS:

3 A. He just asked me to be a snitch for him.

4 **Q. And did he want you to snitch on Tony Powell?**

5 MR. STARR: Form, foundation, speculation.

6 BY THE WITNESS:

7 A. I don't know. He just told me them two names,
8 and I just told him I don't do that.

9 **Q. Were you friends with Tony Powell in December**
10 **of 1990?**

11 A. No. I mean, I knew Tony Powell from the
12 neighborhood in the '70s.

13 **Q. Was Tony Powell incarcerated with you at**
14 **Graham Correctional during the same time period?**

15 MR. STARR: Form, foundation -- form, foundation.

16 BY THE WITNESS:

17 A. Yes.

18 **Q. Okay. Did you interact with Mr. Powell while**
19 **you were incarcerated at Graham?**

20 A. After the interview, yes.

21 **Q. Was that the first time you interacted with**
22 **him at Graham, following the interview?**

23 A. Yes.

24 **Q. Okay. What'd you say to Mr. Powell?**

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1 A. Well, I went -- After the interview, I went --
2 My detail was to clean the showers and the four back
3 units, like 21, 22, 23, 24, so I had my disinfect -- I'm
4 cleaning the shower, and I saw Tony Powell come out, and
5 he spoke, and I spoke, and I was telling him that these
6 detectives from Area 5 just came and was asking me about
7 him and about a murder, and he's like, yeah. So we just
8 talking, talking. I tell him Terry Rogers, and he's
9 like, What? That's the rat that told on me. And he
10 went to his cell, and he came back with a -- a statement
11 from Terry Rogers.

12 **Q. Did you read the statement he gave you?**

13 A. No, but I saw his name on it.

14 **Q. Okay. Did he tell you anything else about the**
15 **statement that Terry Rogers gave against him?**

16 A. No. He just said Terry Rogers and a girl
17 named Penny, which I knew from the skating rink, used to
18 be, like, an old girlfriend of mine, testified on him
19 and got him locked up for a murder he didn't commit.

20 **Q. So Mr. Powell was incarcerated for a murder?**

21 A. Yes.

22 **Q. Did he tell you specifically what Terry Rogers**
23 **said about him relative to the murder he was serving**
24 **time for?**

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1 MR. STARR: Asked and answered.

2 BY THE WITNESS:

3 A. Just said he got him locked up for a murder he
4 didn't commit.

5 Q. Did Mr. Powell tell you anything about a
6 detective or a police officer that was involved in the
7 investigation of his murder conviction?

8 A. Yes.

9 Q. What'd he tell you?

10 A. He think that's the same ones that had him
11 locked up.

12 Q. Did he specifically tell you the name Bogucki
13 or Schalk?

14 A. I told him the name, and he said he think them
15 the ones that had him locked up. I didn't know the
16 name, pronouncing them right. I didn't take a card or
17 none of that.

18 Q. Do you recall independently telling Mr. Powell
19 the names of the two detectives during this conversation
20 you had with him?

21 MR. STARR: Objection: asked and answered.

22 BY THE WITNESS:

23 A. Yes.

24 Q. Okay. And that's when he said he thought they

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1 **were involved?**

2 MR. STARR: Objection: asked and answered.

3 BY THE WITNESS:

4 A. Yes.

5 **Q. Okay. You said Mr. Powell passed in prison?**

6 A. Yes.

7 **Q. Do you know when he passed?**

8 A. No. Probably '04 or something like that.

9 Yeah, 2003, 2004. I'm not sure.

10 **Q. Do you know if Mr. Powell had made any claims**
11 **against the Chicago Police Department relative to his**
12 **murder investigation?**

13 MR. STARR: Form, foundation, calls for
14 speculation.

15 BY THE WITNESS:

16 A. No --

17 **Q. What's --**

18 A. -- I don't know.

19 **Q. I'm just going to take a step back for a**
20 **second. I know we touched on this briefly earlier that**
21 **you had a supplier that you used for the drugs that you**
22 **sold during 1990 and 1991, right?**

23 MR. STARR: Asked and answered.

24

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1 BY THE WITNESS:

2 A. You said did I have a supplier?

3 Q. Yeah. Did you have someone who gave you the
4 drugs that you and the other members of your gang sold?

5 MR. STARR: Asked and answered.

6 BY THE WITNESS:

7 A. I would buy them from whoever I could get them
8 cheapest from.

9 Q. Okay. You don't recall specifically who that
10 was?

11 MR. STARR: Asked and answered.

12 BY THE WITNESS:

13 A. Mm-mm.

14 Q. Did you ever use more than one person?

15 A. To buy from?

16 Q. Correct.

17 A. Yes.

18 Q. Okay. In April of 2002, you were placed in a
19 lineup, correct?

20 A. Yes.

21 Q. Okay. And you were represented by counsel
22 during that lineup, right?

23 A. Yes.

24 Q. And who was your counsel?

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1 A. Jacqueline Gordon.

2 **Q. Okay. And how is she related to you?**

3 A. Half-sister.

4 **Q. Do you share a mother or a father?**

5 A. Father.

6 **Q. How did she come to represent you?**

7 A. When I went to the county and they told her I
8 was going to be in a lineup, I told my dad to ask her to
9 come and represent me.

10 **Q. And she did?**

11 A. Yes.

12 **Q. Had she represented you in the past on any of**
13 **your other arrests or criminal charges?**

14 A. No.

15 **Q. Prior to being placed in the lineup, were you**
16 **being held at Cook County Jail or were you in Illinois**
17 **Department of Corrections?**

18 A. Well, by the time Botucki [sic] made it back
19 to Chicago, they put out a murder warrant. I was placed
20 in seg in Graham for three weeks. I was transferred
21 from Graham after three weeks to Stateville, which is
22 the maximum security, and I stayed there maybe two or
23 three days before I went in front of a judge and he
24 remanded me to the county.

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1 **Q. How long were you in county before you were**
2 **placed in the lineup?**

3 A. The same day -- The same day I went to court.

4 No, I went to court on, I think, a Friday.
5 They -- They wanted to do the lineup over the weekend,
6 something like that. So they did the lineup maybe the
7 next day, I think.

8 **Q. Okay. So you were transported from Cook**
9 **County Jail --**

10 A. To --

11 **Q. -- to the police station for the lineup?**

12 A. Yes. Friday night they came to pick me up,
13 took me to the police station. I stayed there
14 overnight, and Saturday morning they did the lineup.

15 **Q. Prior to the lineup happening, did you have**
16 **any interaction with Detective Bogucki?**

17 MR. STARR: Objection --

18 BY MS. WEST:

19 **Q. This is before.**

20 MS. WEST: Sorry. Go ahead.

21 MR. STARR: Objection to form.

22 BY THE WITNESS:

23 A. When he came down at Graham and when he
24 fingerprinted me at court.

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1 **Q. Okay. So before the lineup, you had a second**
2 **interaction with Detective Bogucki; is that right?**

3 MR. STARR: Objection to form.

4 BY THE WITNESS:

5 A. After Graham?

6 **Q. Correct.**

7 A. Yes.

8 **Q. Okay. And that was when you were**
9 **fingerprinted; is that right?**

10 A. Yes. When I went in front of the judge, the
11 judge was saying that the case was flimsy; they didn't
12 have anything, and he told the judge he wanted to put me
13 in a lineup. They got a continuance. When they got a
14 continuance, they fingerprinted me. When they brought
15 me back in front of the judge, they said they wanted to
16 put me in a lineup, and I informed the judge that I had
17 an attorney.

18 **Q. Okay.**

19 A. The judge said make sure my attorney is there.

20 **Q. And when you were fingerprinted, you were**
21 **fingerprinted specifically by Detective Bogucki?**

22 A. I think so. I know he came in with that
23 machine. I don't know if it was him specifically, but I
24 know he was there.

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1 **Q. Okay. Did he say anything to you specifically**
2 **during this interaction?**

3 A. No.

4 **Q. Did he make any threatening moves or behavior**
5 **towards you during this interaction?**

6 A. No.

7 MR. STARR: Objection to form.

8 BY MS. WEST:

9 **Q. Prior to being placed in the lineup, did you**
10 **have any interaction with Detective Schalk?**

11 A. No. He was just there with him.

12 **Q. Did he say anything to you?**

13 A. No.

14 **Q. Did he say anything to the Court?**

15 A. Being placed in the lineup? Before the lineup?

16 **Q. Before the lineup.**

17 A. No.

18 **Q. Okay. Was Detective Schalk present during**
19 **this court hearing that you had with regard to the**
20 **lineup?**

21 A. Yes.

22 **Q. Okay. Did he speak during the court hearing?**

23 A. I don't remember.

24 **Q. Okay. You specifically -- Strike that.**

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1 **Do you have a specific memory of the judge**
2 **telling you to have your attorney present for the**
3 **lineup?**

4 A. He told the State to have my attorney present
5 for the lineup.

6 **Q. Okay. Were Detective Bogucki and Schalk**
7 **present for that comment by the judge?**

8 A. Yes.

9 **Q. Okay. All right. So you go for the lineup,**
10 **correct?**

11 A. Yes.

12 **Q. Okay. And where was your attorney during the**
13 **lineup?**

14 MR. STARR: Objection to form, foundation.

15 BY THE WITNESS:

16 A. When she first came in, they was outside the
17 door. I was in the room with the other participants,
18 and they was talking to her. And you could hear them
19 having a conversation about which side of the partition
20 she was supposed to be on. And during this
21 conversation, I guess they went to talk to someone else,
22 and Botucki [sic] stuck his head in and was saying
23 something like, You think you're a smart ass, or how did
24 you get that attorney here?

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1 **Q. Okay. Prior to this interaction between the**
2 **detectives and your attorney, did you have an**
3 **opportunity to speak with your attorney?**

4 A. No.

5 **Q. Okay. Detective Bogucki stuck his head in and**
6 **made that comment to you?**

7 A. Yes.

8 **Q. Was anyone else present when he made that**
9 **comment?**

10 A. Yes, like maybe two other participants. They
11 didn't even have all the participants there yet because
12 it's like they just went and picked up people off the
13 street.

14 **Q. Was your attorney present for the comment?**

15 A. No.

16 **Q. Was Detective Schalk present for the comment?**

17 A. No.

18 **Q. Did you say anything in response?**

19 A. No.

20 **Q. All right. Did you know any of the**
21 **individuals that were also placed in the lineup with**
22 **you?**

23 A. No.

24 **Q. Okay. Following the lineup, did you have the**

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1 **opportunity to speak with your counsel?**

2 A. I had a chance to speak with her before the
3 lineup.

4 **Q. Okay. When did you speak with her before the**
5 **lineup?**

6 A. When they came and told her she had to come in
7 the room with me. She couldn't view the lineup from
8 their side. They don't do that at Area 5.

9 **Q. Okay. So she comes in on your side of the**
10 **lineup, right?**

11 A. Mm-hmm.

12 **Q. And you have a conversation with her, just the**
13 **two of you?**

14 A. Well, the other -- Two other guys was in
15 there. Then they end up bringing two more. Like they
16 went and picked them up off the street or something.

17 **Q. Okay. So there were other people present for**
18 **the conversation that you had with your attorney?**

19 A. Yes.

20 **Q. Okay. And did your attorney stay on that side**
21 **of the partition during the lineup?**

22 A. Yes.

23 **Q. Okay. Following the lineup, did -- did you**
24 **have an opportunity to speak with your attorney again?**

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1 MR. STARR: And I'm just going to, for the record,
2 state that I'm going to let him testify to this without
3 waiving any other attorney-client privilege.

4 MS. WEST: Okay. Let me just make sure I
5 understand what you're saying.

6 MR. STARR: Yeah.

7 MS. WEST: Because I'm -- Right now I'm just asking
8 him about did he have a conversation with her.

9 MR. STARR: Okay. Okay.

10 MS. WEST: But you're saying you're going to allow
11 him to testify to the substance of it?

12 MR. STARR: Well, he testified that he talked to
13 her in front of two people.

14 MS. WEST: Yeah.

15 MR. STARR: So, like, I let him --

16 MS. WEST: Fair enough.

17 MR. STARR: -- testify to that. I just don't want
18 to use that --

19 MS. WEST: Yep.

20 MR. STARR: -- as a waiver of all attorney pri- --
21 pri- --

22 MS. WEST: Sounds good.

23 MR. STARR: -- attorney-client privilege.

24 MS. WEST: Understood.

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1 BY THE WITNESS:

2 A. Well, I had a conversation with her when she
3 came in. She was still upset that they wouldn't let her
4 view it from that side. So the door was open, and she
5 was still having a conversation with Botucki [sic] and
6 Schalke [sic] saying she's claustrophobic; this is not
7 right; this is not the law; you can't do this; you can't
8 do that. So after that conversation, the door closed.
9 Now I'm pissed. It's like a -- It's like a blind spot
10 in there, and I went and stood over there. So she's by
11 the door because she was trying to -- still wanted to
12 get out, knocking on the door. And I stood in the blind
13 spot, and I was telling her, I'm not finna do the
14 lineup; they trying to frame me. And she's like, I
15 know. Wait a minute. Let me talk to them. She kept
16 knocking. They wouldn't come to the door no more.

17 **Q. Whenever your attorney was telling the**
18 **detectives that this wasn't right, did they say anything**
19 **in response to her that you heard?**

20 A. They don't do this at Area 5.

21 **Q. That's what they said?**

22 A. That was their response, yes.

23 **Q. Who specifically said that, Detective Bogucki**
24 **or Detective Schalk?**

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1 A. That was Boducki [sic].

2 **Q. Okay. Prior to the lineup taking place, did**
3 **you have any other conversations other than what you**
4 **just told me about?**

5 A. Well, yes, when I was standing in the blind
6 spot and I was telling her I wasn't gonna do the lineup
7 because they're finna frame me, she told me -- after she
8 calmed down, because she was, like, having a panic
9 attack, because she stood by the door. And I was
10 letting her know, like, these guys ain't gonna do
11 nothing to you. You know, you okay. And she was, like,
12 hyperventilating. But she told me like, Look, do the
13 lineup. That's wrong. They can't do that. That's
14 against the law. So go ahead. Don't do that, don't
15 cause a scene. I did the lineup.

16 **Q. Okay. So your attorney told you to go ahead**
17 **and do the lineup?**

18 A. Yes.

19 **Q. Okay. By the way, did you have a relationship**
20 **with Ms. Gordon prior to the lineup taking place in**
21 **2002?**

22 A. She's my half-sister.

23 **Q. Right. Meaning did you speak with her while**
24 **you were incarcerated prior to 2002?**

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1 MR. STARR: Objection: form, foundation.

2 BY THE WITNESS:

3 A. Yeah, I spoke to her.

4 Q. Okay. Did she ever come visit you while you
5 were incarcerated?

6 A. No.

7 Q. Following -- Okay. Let me back up. Following
8 the -- the lineup being conducted -- and you may have
9 already told me this, and I apologize -- did you speak
10 with Ms. Gordon again?

11 A. After the lineup?

12 Q. Correct.

13 A. I'm not sure. She was trying to get up out of
14 there. She was -- She was trying to get up out that
15 little, small room.

16 Q. Okay. Following the lineup, did you have
17 further interaction with Detectives Bogucki or Schalk?

18 A. Yes. They came after the lineup and took me
19 back down to the basement. I stayed there maybe -- put
20 me back in the holding cell, maybe 10 to 15 minutes, and
21 Schalk -- Schalke [sic], whatever his name is, came and
22 brought me back up and told me they need to measure my
23 height.

24 Q. Where did he take you back up to?

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1 A. Back up to, like -- It's a -- Like right
2 before you walk into the -- the room to do the lineup.
3 It's like a big, open area, and -- Like right there
4 there's a thing that catch your height standing right
5 there, tall, white thing.

6 **Q. Okay. Was Detective Bogucki present for this**
7 **too?**

8 A. Was he there? Yes, he was there, and
9 Assistant Walker was there.

10 **Q. Okay. Is anyone else brought up to be**
11 **measured?**

12 A. No.

13 **Q. Did you see if the other participants were**
14 **taken down where you were also held after the lineup?**

15 A. They wasn't. I was down there with -- just by
16 myself.

17 **Q. Okay. So what happened when you got back up**
18 **to be measured?**

19 A. I told him I wasn't gonna do it. He should
20 have did it while my attorney was there.

21 **Q. And what did they say to you? Strike that.**
22 **Did specifically one detective respond to you?**

23 A. Schalke [sic] told me, You gonna do it, so I
24 told him, Get my attorney back here.

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1 **Q. And what did he say in response?**

2 A. I ain't got to get your attorney here. You
3 gonna do it, and he pushed me.

4 **Q. This is Schalk you're referring to?**

5 A. Yes.

6 **Q. Was Detective Bogucki present for this?**

7 A. Yes.

8 **Q. Was ASA Walker present for this?**

9 A. She was there, but I don't know if she was
10 paying attention. It's like she was sitting there
11 writing something. But she was there. She was in that
12 room. There were other detectives there too. It's like
13 a big -- When you're walking up in the police station,
14 it's like a big, open space with tables there.

15 **Q. How many other people would you say were**
16 **present in the area when Detective Schalk pushed you?**

17 MR. STARR: Form, foundation, calls for
18 speculation.

19 BY THE WITNESS:

20 A. The closest was Botucki [sic].

21 **Q. Okay. And ASA Walker was also in the same**
22 **area, correct?**

23 MR. STARR: Form, foundation, mischaracterizes
24 testimony.

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1 Go ahead.

2 BY THE WITNESS:

3 A. She was sitting at a table, and other
4 detectives, like, was walking by.

5 **Q. How far was the table that Detective -- I'm**
6 **sorry. How far was the table that ASA Walker was**
7 **sitting at from where you were when Detective Schalk**
8 **pushed you?**

9 MR. STARR: Form, foundation, calls for
10 speculation.

11 BY THE WITNESS:

12 A. Maybe to that wall.

13 **Q. From where you're sitting?**

14 A. Yes.

15 **Q. Not that I'm great with measurements, but the**
16 **length of a car?**

17 MR. STARR: Form, foundation, speculation.

18 BY THE WITNESS:

19 A. More like a bus. It was kind of long, yeah.

20 **Q. Okay. What happened after Detective Schalk**
21 **pushed you?**

22 A. I pushed him back.

23 **Q. What happened after that?**

24 A. He kind of, like, reached for his gun, and

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1 Botucki [sic] grabbed him.

2 **Q. Did Bogucki say anything?**

3 A. He just grabbed him and told him forget about
4 it, and another detective came and took me back
5 downstairs.

6 **Q. At any point during this interaction, were you**
7 **actually measured?**

8 A. No.

9 **Q. Okay. You refused to be measured?**

10 A. Yes.

11 **Q. Did Detective Schalk say anything else to you**
12 **during this interaction after Detective Bogucki told him**
13 **to forget about it?**

14 A. No. He was just talking to him after that.

15 **Q. Did ASA Walker interact with you prior to you**
16 **being taken back downstairs?**

17 A. No. I don't even think she turned around.

18 **Q. Was she facing you during this interaction**
19 **that you had where Detective Schalk pushed you?**

20 MR. STARR: Objection: asked and answered.

21 BY THE WITNESS:

22 A. No. She had her back turned writing.

23 **Q. Did any other detectives that were walking**
24 **around in the area get involved in the conversation that**

James Fletcher Jr. v. Jerome Bogucki; et al.
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1 **you were having with Detectives Bogucki and Schalk at**
2 **the time?**

3 A. No.

4 **Q. You submitted a claim to the Torture Inquiry**
5 **Relief Commission, correct, or TIRC is what it's**
6 **referred to?**

7 A. I don't remember. I probably did.

8 **Q. Okay. Are you aware or have you heard of**
9 **TIRC?**

10 A. Yes.

11 **Q. Okay.**

12 MS. WEST: Let's see. Let's mark this as -- What
13 are we at? 5.

14 THE COURT REPORTER: Yes.

15 MS. WEST: Okay. Thank you.

16 (Fletcher Deposition Exhibit No. 5
17 marked as requested.)

18 MS. WEST: For the record, this is TIRC-FLETCHER 80
19 through 83.

20 BY MS. WEST:

21 **Q. Mr. Fletcher, have you ever seen this document**
22 **before?**

23 A. Yes.

24 **Q. Okay. What is this?**

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1 A. It's a letter that I wrote to the torture
2 commission, I would guess.

3 **Q. Okay. This letter here, is it in your**
4 **handwriting?**

5 A. Yes.

6 **Q. Okay. And on the last page, sir, there's a**
7 **signature of Arnold Dixon. Do you see that?**

8 A. Yes.

9 **Q. Is that also in your handwriting?**

10 A. Yes.

11 **Q. And the number next to it, is that an Illinois**
12 **Department of Corrections number?**

13 A. Yes.

14 **Q. And was that your Illinois Department of**
15 **Corrections number, sir?**

16 A. Yes.

17 **Q. Okay. Do you have an independent recollection**
18 **of writing this letter, sir?**

19 A. No. But I know back then I wrote several
20 letters to everybody, so yeah.

21 **Q. Okay. Do you know what happened to your claim**
22 **to TIRC?**

23 A. No.

24 **Q. If you could go to -- It's the third page of**

James Fletcher Jr. v. Jerome Bogucki; et al.
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1 **the document; or at the bottom, it's TIRC-FLETCHER 82.**

2 A. You said on the third page. What part?

3 **Q. Yes, sir. If you could look at -- It's like**
4 **the first -- Well, it starts with "After my attorney**
5 **left." It's, like, that first paragraph there -- the**
6 **first full --**

7 A. Yeah.

8 MR. STARR: Do you want him to read that paragraph?

9 MS. WEST: Yes, please.

10 BY MS. WEST:

11 **Q. If you could take a second to read that**
12 **paragraph and let me know when you're finished.**

13 **(Brief pause.)**

14 BY THE WITNESS:

15 A. Okay.

16 **Q. In this paragraph that you just read, you**
17 **allege that Detective Bogucki, instead of**
18 **Detective Schalk, was the individual that pushed you.**
19 **Do you see that?**

20 A. Yes.

21 **Q. Do you know specifically who the detective was**
22 **that you claim pushed you?**

23 A. I thought it was -- I thought it was Schalke
24 [sic], so I'm not sure.

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1 Q. Okay. And then do you see in this paragraph
2 where it says -- It's like the middle of the paragraph.
3 It starts -- Let's see. It says, "I pushed him back,
4 then he pulled his weapon and told me to stand under
5 there before he kills me." Do you see that?

6 A. Yes.

7 Q. Did one of the detectives say words to that
8 effect?

9 A. I kind of think he did. I had just forgot
10 about it, yes.

11 Q. Okay. And which detective was it?

12 A. I honestly thought it was Schalke [sic], but I
13 don't remember now.

14 Q. Do you see on the first page of this document
15 the date that you wrote it?

16 A. Yes, 9/27.

17 Q. Okay. Is this the first time that you had
18 ever brought up to an outside agency that one of the
19 detectives had pushed you?

20 MR. STARR: Form, foundation, speculation.

21 BY THE WITNESS:

22 A. I don't think so, no.

23 Q. Prior to going to trial in 2005, did you
24 through your counsel bring up the fact that one of the

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1 **detectives pushed you?**

2 A. Yeah.

3 MR. STARR: Form, foundation. And if -- I don't
4 think you're asking for attorney-client communications.

5 MS. WEST: No.

6 MR. STARR: But just so you're clear, don't reveal
7 any of those. Okay?

8 THE WITNESS: Okay.

9 BY MS. WEST:

10 **Q. Were any pretrial motions filed relative to**
11 **one of the detectives pushing you and making a**
12 **threatening statement?**

13 MR. STARR: Form, foundation, speculation, calls
14 for a legal conclusion.

15 BY THE WITNESS:

16 A. I don't -- I don't recall.

17 **Q. This interaction with the detectives did not**
18 **come up at your 2005 trial, correct?**

19 A. My trial? I don't think so.

20 **Q. Okay. You could set this aside for now.**
21 **We'll come back to it here in a minute.**

22 A. Okay.

23 **Q. Following the lineup, were you arrested?**

24 A. Where was I arrested? No, I was arrested

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1 following the fingerprints.

2 **Q. Okay. Let's -- Let's do it this way: So**
3 **after you were taken back into holding after the lineup,**
4 **where did you go?**

5 A. I stayed down in the holding cell till Monday
6 morning. Monday morning three detectives came to take
7 me back to the county Botucki [sic], Schalk, and one
8 more detective. Two sat in the back; one was driving.
9 And they came down -- What street was that? I think it
10 was Grand, made a right turn down Laramie Avenue, and
11 they pulled right in front of my house.

12 **Q. Okay. Who was the third detective?**

13 A. I'm not sure.

14 **Q. Had you ever seen that detective before that?**

15 A. Yes, he brought me there.

16 **Q. Okay. Was he a detective? Do you know?**

17 A. Yes.

18 **Q. Okay. Can you describe what he looked like?**

19 A. He was a white guy. I don't remember how he
20 looked.

21 **Q. And I keep saying "he." It was a man?**

22 A. Yes.

23 **Q. Did that detective say anything to you while**
24 **you were driving?**

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1 A. While they was driving, no.

2 **Q. Okay. When you say -- Is this the same**
3 **detective that brought you --**

4 A. Yes, it was -- three brought me; three took me
5 back.

6 **Q. Okay.**

7 A. The same three.

8 **Q. And this was from Cook -- Cook County?**

9 A. Yes, they brought me from Cook County to
10 Area 5.

11 **Q. Whenever the detectives took you from Cook**
12 **County to Area 5 prior to the lineup, did they say**
13 **anything to you in the car?**

14 A. No, not on the way there, no.

15 **Q. Okay. So on the way back, you say these**
16 **detectives stop in front of your house, correct?**

17 A. Yes. Well, we own the house, and we own the
18 vacant lot. They stopped in front of the vacant lot.

19 **Q. Okay. And what happened after they stopped?**

20 A. Well, we're just sitting there for a minute.
21 I saw my family. I saw my mom. I saw my nephew coming
22 out. He was looking to see what it was. And he told me
23 to take a good look at that house because I won't see it
24 for a long time.

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1 **Q. Which detective told you that?**

2 A. Botucki [sic].

3 **Q. Was your family coming out of the building at**
4 **the time?**

5 A. I think my mom was doing something in the
6 yard, and my nephew was standing on the porch. But once
7 he saw the car sitting there, he started walking down
8 towards the gate.

9 **Q. This was your nephew?**

10 A. Yes.

11 **Q. What was your nephew's -- Or what is your**
12 **nephew's name?**

13 A. Arnold Dixon.

14 **Q. How old was he at the time, if you know?**

15 A. 20 some- -- 20 something. I don't know.

16 **Q. Did he make it to the car?**

17 A. No. They started pulling off right before he
18 got there.

19 **Q. Did you say anything in response to**
20 **Detective Bogucki's comment?**

21 A. No.

22 **Q. Did any other detective say anything while you**
23 **were sitting outside of -- of your building?**

24 A. No.

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1 **Q. At that point in time, as you're being**
2 **transported back to Cook County Jail, you're aware that**
3 **you were under arrest for the homicide of**
4 **Willie Sorrell, correct?**

5 A. Yes.

6 **Q. Where were you incarcerated while you awaited**
7 **trial?**

8 A. Cook County Jail.

9 **Q. The entire time at Cook County Jail?**

10 A. No. Right before trial, I think Tom Dart
11 kicked all the guys from Cook County out. They had to
12 go back to Stateville.

13 **Q. And when you say "all the guys," like, was**
14 **there a specific --**

15 A. Well, anybody that was from prison.

16 **Q. Okay.**

17 A. Yes.

18 **Q. Do you recall when that was, that you were**
19 **moved from Cook County Jail back to the Illinois**
20 **Department of Corrections --**

21 A. I want to say --

22 **Q. -- while you were awaiting trial?**

23 A. -- November of 2004, I think.

24 **Q. Okay. So for, like, roughly two years you**

James Fletcher Jr. v. Jerome Bogucki; et al.
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1 **were in Cook County Jail prior to being moved back to**
2 **the Illinois Department of Corrections?**

3 A. Yes.

4 Q. Okay. And you said Stateville -- you were
5 **transferred back to Stateville?**

6 A. Yes.

7 Q. Were you held at Stateville from November of
8 **'04 until you went to trial?**

9 A. Yes.

10 Q. Was there a period of time leading up to the
11 **trial that you were transferred back to Cook County**
12 **Jail?**

13 A. Every court date.

14 Q. What I'm getting at is, was there a period of
15 **weeks that you were staying at Cook County Jail leading**
16 **up to the trial?**

17 A. Not after November. I would only go for court
18 **dates.**

19 Q. Okay.

20 MS. WEST: Break?

21 MR. STARR: Sure.

22 THE VIDEOGRAPHER: We are going off the video
23 **record at 12:48 p.m., and this is the end of Video**
24 **Media 2.**

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1 (A short break was had.)

2 THE VIDEOGRAPHER: We are back on video record at
3 1:01 p.m., and this is the beginning of Video Media 3.

4 BY MS. WEST:

5 Q. Mr. Fletcher, while you were awaiting trial,
6 were you assigned a public defender?

7 A. Yes.

8 Q. At some point in time, did attorneys from
9 Jenner & Block come to represent you before your trial
10 in 2005?

11 A. Yes.

12 Q. Do you recall when?

13 A. Let me see. Maybe 2003. I'm not sure.

14 Q. Do you recall the names of the attorneys that
15 represented you from Jenner & Block?

16 A. Joseph Saltiel, Reginald Hill. I don't know
17 the third person.

18 Q. There was a third attorney?

19 A. At trial, yes.

20 Q. Okay. A man or a woman?

21 A. Female.

22 Q. You don't recall her name?

23 A. No.

24 Q. How did Jenner & Block -- or Mr. Hill and

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1 **Mr. -- How do you pronounce -- Mr. Saltiel? Is that**
2 **his -- how you pronounce it?**

3 A. Yeah, Saltiel.

4 **Q. How did they come to represent you?**

5 MR. STARR: Foundation.

6 BY THE WITNESS:

7 A. I wrote a letter, and I sent it out and had, I
8 think, a friend copy it and send it back to me with like
9 20 copies, and I mailed it to all attorneys around
10 asking for help.

11 **Q. Okay. And in response to that letter, did**
12 **Jenner & Block represent you?**

13 A. Yes, they reached out, yes.

14 **Q. Okay. Once Mr. Hill and Mr. Saltiel took over**
15 **the representation, did they file a motion to suppress**
16 **the photo array and the lineup identification, if you**
17 **know?**

18 MR. STARR: Form, foundation, speculation, legal
19 conclusion.

20 BY THE WITNESS:

21 A. I'm not sure.

22 **Q. Okay. Prior to your trial, did you ever alert**
23 **the Court about the interaction with either of the**
24 **detectives where one of them pushed you?**

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1 MR. STARR: Form, foundation.

2 BY THE WITNESS:

3 A. I don't remember.

4 Q. Do you recall your criminal trial that took
5 place in 2005?

6 A. Yes.

7 Q. Do you recall specifically who the State
8 called to testify?

9 A. Yes.

10 Q. Okay. Who do you recall that they called to
11 the stand?

12 A. Sheenee Friend, Edward Cooper, Emmett Wade,
13 and I think Botucki [sic]. I'm not sure.

14 Q. Okay. And you heard all four of those
15 individuals testify throughout the course of your trial,
16 correct?

17 A. Yes.

18 Q. Meaning you were present during all of their
19 testimony, right?

20 A. Yes.

21 Q. Okay. And Ms. Friend, during your trial, she
22 identified you as one of the offenders involved in the
23 murder, correct?

24 A. Yes.

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1 **Q. And during the trial, Mr. Cooper also**
2 **identified you as one of the offenders involved in the**
3 **Willie Sorrell homicide, correct?**

4 A. Yes.

5 **Q. I believe I may have asked you this already.**
6 **I'm not positive. Mr. Wade, during your trial, he**
7 **testified that he couldn't identify an offender,**
8 **correct?**

9 MR. STARR: Asked and answered.

10 BY THE WITNESS:

11 A. Yes.

12 **Q. Okay. I'm going to show you what we'll mark**
13 **as --**

14 **MS. WEST: 6?**

15 THE COURT REPORTER: Yes.

16 MS. WEST: Thank you. Let's make this one a group
17 exhibit.

18 (Fletcher Deposition Group Exhibit
19 No. 6 marked as requested.)

20 BY MS. WEST:

21 **Q. All right. For the record what we've marked**
22 **as Group Exhibit 6 is Bates-stamped Fletcher 7541**
23 **through 7542 and Fletcher 7523 through -24.**

24 **Mr. Fletcher, there -- this exhibit includes**

James Fletcher Jr. v. Jerome Bogucki; et al.
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1 **some photographs. This first photograph that's on 7541**
2 **that's in front of you right now, do you have a**
3 **recollection of whether or not this photograph was**
4 **introduced at your criminal trial?**

5 MR. STARR: I'm just going to, for the record, note
6 the quality of the photograph --

7 MS. WEST: I know.

8 MR. STARR: -- makes it difficult to really see
9 what's going on.

10 But you can --

11 BY THE WITNESS:

12 A. It probably was, yeah.

13 **Q. Okay. Do you recognize the individuals in**
14 **this first photograph, which is 7541?**

15 A. Yes.

16 **Q. Okay. Who are the individuals, starting --**
17 **Can we go from left to right?**

18 A. I can't think of her name. She stayed in my
19 building, 939, the one on my left. And me in the
20 middle. And the one on the right is Sharon Gardner.

21 **Q. I'm sorry. Say the last name.**

22 A. Sharon Gardner, my son's mother.

23 **Q. Gardner. Okay.**

24 **Do you have a recollection of where this**

James Fletcher Jr. v. Jerome Bogucki; et al.
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1 **photograph was taken?**

2 A. Yes.

3 **Q. Where?**

4 A. On Farwell and Pratt.

5 **Q. Whose -- Whose place?**

6 A. A friend's mom. She's deceased now.

7 **Q. Do you recall the year the picture was taken?**

8 A. And the date, October 16th, 1990.

9 **Q. And why do you recall that specific of a date?**

10 A. A friend's birthday.

11 **Q. Whose birthday?**

12 A. Named Albert Witle (phonetic).

13 **Q. And were you guys at a gathering for that**
14 **individual's birthday?**

15 A. Yes.

16 **Q. Okay. And when you say the building you**
17 **stayed in, you're referring to the building where you**
18 **sold drugs?**

19 A. Yes, 939.

20 **Q. Did you stay there from time to time?**

21 A. Yes.

22 **Q. Who would you stay with when you stayed there?**

23 A. Aunties, girls.

24 **Q. Okay. When you say "aunties," was that anyone**

James Fletcher Jr. v. Jerome Bogucki; et al.
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1 **that was blood relative to you?**

2 A. Yes.

3 **Q. Who?**

4 A. My father's brother's wife.

5 **Q. Okay. What was her name?**

6 A. Gladys Gilbert.

7 **Q. Can you turn just to the next page, which is**
8 **7542? This looks like a duplicate to me, but I just**
9 **wanted to make sure that these are --**

10 A. Yeah, the same picture.

11 **Q. Thank you.**

12 **All right. Then let's look at 7523. Do you**
13 **recognize the individuals in this photograph? And,**
14 **again, I know the quality is poor.**

15 A. Yes. That's me and Valerie Pratt.

16 **Q. Who is Valerie Pratt?**

17 A. Old girlfriend.

18 **Q. Do you recall when this photograph was taken?**

19 A. I'm going to say '91 or '90. No. Maybe --
20 Was it a birthday? Maybe '90. I think it was in '90.

21 **Q. Do you know where the photograph was taken?**

22 A. Yes, at a nightclub called Chic Rick's
23 downtown.

24 **Q. The background behind you, is it, like, a**

James Fletcher Jr. v. Jerome Bogucki; et al.
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1 mural at the nightclub?

2 A. Everybody take pictures in front of.

3 Q. Okay. And then if you could look at the next
4 photograph, 7524, do you recognize the individuals in
5 that photograph?

6 A. Yes, that's me and Deborah Sanders.

7 Q. Do you recall when this photograph was taken?

8 A. Yes, in, I think, August -- August of '90.

9 Q. Where was this photograph taken?

10 A. At a nightclub, West Side of Chicago.

11 Q. And how is it that you can recall
12 specifically, like, the month and the year that these
13 photographs were taken?

14 A. I stayed out there a little while, I think.

15 Q. Okay. Fair enough.

16 Do you know if -- Do you have an independent
17 recollection if either of these two second photographs,
18 7523 or 7524, were introduced at your criminal trial?

19 A. I -- I think they all were to show my
20 hairstyle.

21 Q. Okay. That was my next question. Do you know
22 why they were introduced at trial?

23 A. Yes.

24 Q. Why?

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1 A. To show my hairstyle.

2 Q. Okay. Thank you.

3 All right. You can put those aside.

4 Mr. Fletcher, you didn't testify at your
5 criminal trial, correct?

6 A. No.

7 Q. Do you have an independent recollection of who
8 testified on behalf of the defense?

9 A. I know Deborah. Maybe Deborah and my father.
10 I'm not sure.

11 Q. Okay. Do you have an independent recollection
12 of Deborah testifying at your trial?

13 A. I just know she testified.

14 Q. Okay. Did you speak with Ms. Sanders prior to
15 her testifying at your criminal trial about the fact
16 that she was going to testify?

17 A. I don't remember.

18 Q. Were you in communication with Ms. Sanders
19 while you were incarcerated awaiting trial?

20 A. Yes.

21 Q. Are you still in communication with
22 Ms. Sanders today?

23 A. Yes.

24 Q. Okay. At any point in time since you first

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1 **met Ms. Sanders -- and I believe you said it was 1987 --**

2 A. Yes.

3 **Q. -- to now, has there been any point in time**
4 **where you've not had regular communication with**
5 **Ms. Sanders?**

6 MR. STARR: Objection: form, foundation.

7 BY THE WITNESS:

8 A. Yes, periods of time, yes.

9 **Q. Can you recall specifically periods of time**
10 **where you didn't speak with her?**

11 MR. STARR: Form, foundation.

12 BY THE WITNESS:

13 A. She first moved to Arkansas, I guess. Yeah,
14 when she first moved to Arkansas. I don't remember when
15 that was.

16 **Q. From the time that you were arrested for the**
17 **Sorrell homicide until now, have you had any breaks in**
18 **communication with Ms. Sanders?**

19 MR. STARR: Objection to form, foundation, calls
20 for speculation, vague as to "breaks."

21 BY THE WITNESS:

22 A. Yeah, when she moved to Arkansas.

23 **Q. Okay. When was that?**

24 A. I'm not sure. I'm not sure.

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1 **Q. How long of a period of time did you not**
2 **communicate with Ms. Sanders when she moved to Arkansas?**

3 A. I'm not sure.

4 **Q. Fair enough.**

5 **Would you speak with Ms. Sanders on the phone**
6 **while you were incarcerated from 2002 to 2005?**

7 A. On the phone, yes.

8 **Q. Okay. How often would you speak with her from**
9 **2002 to 2005?**

10 MR. STARR: Speculation.

11 BY THE WITNESS:

12 A. Yeah, I don't remember.

13 **Q. Once a week?**

14 A. Probably.

15 **Q. More than once a week?**

16 MR. STARR: Speculation.

17 BY THE WITNESS:

18 A. I'm not sure.

19 **Q. Did Ms. Sanders visit you while you were**
20 **incarcerated from 2002 to 2005?**

21 A. Yes.

22 **Q. How often would she visit you?**

23 A. Maybe once every other week.

24 **Q. I know you were incarcerated -- You told me**

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1 **you were incarcerated in Cook County Jail for**
2 **approximately two years and then you were moved --**

3 A. Stateville.

4 Q. -- to Stateville. Would Ms. Sanders come
5 to -- Did she come visit you both at Cook County Jail
6 and at Stateville?

7 A. Yes, to bring my daughter.

8 Q. Okay. And when you say your daughter, are you
9 speaking about --

10 A. Veronica.

11 Q. Thank you.

12 Was Ms. Sanders serving as an alibi witness at
13 trial?

14 MR. STARR: Form, foundation, speculation, calls
15 for a legal conclusion.

16 BY THE WITNESS:

17 A. Yes.

18 Q. Meaning was Ms. Sanders's testimony going to
19 be that you were together during the time period in
20 which the murder took place?

21 MR. STARR: Same objections.

22 BY THE WITNESS:

23 A. We didn't know. She just testified to what I
24 did.

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1 **Q. Are you claiming that you were with**
2 **Ms. Sanders on the date -- specific date of the murder?**

3 MR. STARR: Form, foundation.

4 BY THE WITNESS:

5 A. I'm not sure where I was, the specific date.
6 I just know I took my daughter's bike down to
7 Mississippi for Christmas.

8 **Q. And do you recall that Ms. Sanders testified**
9 **that she couldn't recall the exact date that you were**
10 **together?**

11 A. Probably, yes.

12 **Q. Now, in December of 1990, do you have an**
13 **independent recollection of going to visit and take that**
14 **bike to your daughter?**

15 A. Yes.

16 **Q. Did you travel to see your daughter more than**
17 **once in the month of December of 1990?**

18 A. Probably, yes.

19 **Q. Where specifically did you go to see her in**
20 **the month of December 1990?**

21 A. Indianola, Mississippi.

22 **Q. Was there any point in time that you met with**
23 **Ms. Sanders in Tennessee during December of 1990?**

24 MR. STARR: Form, foundation, speculation.

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1 BY THE WITNESS:

2 A. Yes, probably did.

3 Q. Okay. Can you say in total how many times you
4 visited Ms. Sanders and your daughter during December of
5 1990?

6 MR. STARR: Speculation.

7 BY THE WITNESS:

8 A. Twice, that I remember, I think.

9 Q. Can you tell me about the first time you
10 recall?

11 A. No, I don't remember.

12 Q. Was -- I'm sorry. Go ahead.

13 A. Yeah, I don't remember. I just know I went
14 down there to see her.

15 Q. Okay. And you don't recall the specific date
16 of these visits, correct?

17 MR. STARR: Asked and answered.

18 BY THE WITNESS:

19 A. No.

20 Q. Do you recall if you took the bike for your
21 daughter on the first visit or the second visit?

22 A. Second.

23 MR. STARR: Form, speculation.

24

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1 BY MS. WEST:

2 Q. The second visit?

3 A. Yes.

4 Q. When did you first inform Ms. Sanders that you
5 had been arrested for the Willie Sorrell homicide?

6 A. I don't remember.

7 Q. Do you recall if you ever informed her?

8 A. I had to at some time, yeah.

9 Q. And would that have been over the telephone or
10 in person?

11 MR. STARR: Speculation.

12 BY THE WITNESS:

13 A. It had to be over the telephone. I was locked
14 up.

15 Q. I didn't know if she maybe came and visited
16 you and that's when you told her.

17 A. No, I was at Graham. I don't think she came
18 to visit me in Graham.

19 Q. Okay. When you were -- When you went back
20 into prison in 1991, were you in communication with
21 Ms. Sanders?

22 A. Did -- Was I talking to her in '91? Yes.

23 Q. Did she visit you while you were incarcerated
24 for the armed robbery in 1991?

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1 MR. STARR: Form, speculation.

2 BY THE WITNESS:

3 A. Not when I was at the county, no.

4 Q. Once --

5 A. She was in Mississippi.

6 Q. Once you were moved to the Illinois Department
7 of Corrections, did she come visit you?

8 MR. STARR: Same objection.

9 BY THE WITNESS:

10 A. Yes.

11 Q. Your father also testified at trial, correct?

12 A. Yes.

13 Q. Okay. And you heard your father testify at
14 trial, correct?

15 A. Yes.

16 Q. Did you speak with your father about the fact
17 that he was going to testify at trial before he
18 testified?

19 A. No.

20 Q. Were you in regular communication with your
21 father leading up to your trial, so from 2002 to 2005?

22 A. Yes.

23 Q. And how -- How would you communicate with your
24 father during those years?

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1 A. Over the phone, visit.

2 Q. He would come visit you?

3 A. Yes.

4 Q. Okay. How often would you speak with your
5 father from 2002 to 2005 while you were incarcerated?

6 MR. STARR: Speculation.

7 BY THE WITNESS:

8 A. Every other day or so.

9 Q. Did you specifically -- Strike that.

10 Do you specifically have a recollection of
11 having a conversation with your father about what he
12 would be called to testify about?

13 MR. STARR: Asked and answered.

14 BY THE WITNESS:

15 A. No.

16 Q. Did Ms. Gordon testify at your criminal trial?

17 A. Yes.

18 Q. Okay. Do you recall what she testified about?

19 A. I'm assuming the lineup.

20 Q. Do you have a memory of that?

21 A. No.

22 Q. And the outcome of the jury trial was that you
23 were convicted, correct?

24 A. Yes, wrongfully convicted.

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1 **Q. And you were later sentenced; is that right?**

2 A. Yes.

3 **Q. And what were you sentenced to?**

4 A. Natural life.

5 **Q. Did the State seek the death penalty at some**
6 **point in time?**

7 A. They might have started off like that, but I
8 think they might have dropped it. I'm not sure.

9 **Q. Did your attorneys file a motion for a new**
10 **trial following the criminal trial?**

11 A. Yes.

12 **Q. Okay. And it was denied?**

13 A. Yes.

14 **Q. Now, I know we talked about this a little bit.**
15 **You appealed the conviction, correct?**

16 A. Yes.

17 **Q. Okay. And the appeal was dismissed, right?**

18 A. Yes, denied, yes.

19 **Q. And Mr. Cohn was your counsel for the direct**
20 **appeal?**

21 A. Yes.

22 **Q. Okay. And we also talked about this a little**
23 **bit earlier. You filed and what you said, I believe,**
24 **was multiple post-conviction petitions; is that right?**

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1 A. I think I filed one pro se, and then I filed
2 another one.

3 **Q. Okay. That was my next question. So you**
4 **filed one pro se?**

5 A. Yes.

6 **Q. Is that right?**

7 A. Yes.

8 **Q. Okay. Do you recall when you filed that?**

9 A. It had to be right after the direct appeal.
10 There's a time limit.

11 **Q. And what did you allege in your pro se**
12 **post-conviction petition?**

13 MR. STARR: Form, foundation, speculation.

14 BY THE WITNESS:

15 A. That I was wrongfully convicted.

16 **Q. Did you draft the pro se petition?**

17 A. Well, I basically used Frederick Cohn's
18 arguments and went to the law library, researched cases,
19 add new cases, and submit it.

20 **Q. Did anyone else help you with the petition?**

21 A. Yes.

22 **Q. I'm sorry?**

23 A. Yes.

24 **Q. Who else helped you?**

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1 A. All the guys that was in the law library that
2 was studying law helped me, you know, looking up cases
3 and stuff like that.

4 **Q. Was there one specific person that you recall**
5 **the name that helped you with the petition?**

6 A. Yes. Anthony Thomas.

7 **Q. How did you know Anthony Thomas?**

8 A. The law library. Being in the law library.

9 **Q. And what happened to the pro se petition?**

10 A. It was denied.

11 **Q. Okay. And then you said there's a second**
12 **petition that was filed following that through counsel?**

13 A. Yes.

14 **Q. Okay. Who was the attorney?**

15 A. Jennifer Blagg.

16 **Q. Okay. When did Ms. Blagg come to represent**
17 **you?**

18 A. I'm not sure. Like '13 or -- No, it might
19 have been 2011 or '12, somewhere around there.

20 **Q. And what happened with your -- the second**
21 **post-conviction petition?**

22 A. Also --

23 MR. STARR: Form.

24

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1 BY THE WITNESS:

2 A. -- denied.

3 Q. In the second post-conviction petition, were
4 the affidavits of Ms. Friend, Mr. Cooper, and Mr. Wade
5 attached to that petition, to your knowledge?

6 A. I think so, yes.

7 Q. So prior to the filing of that second petition
8 for post-conviction, those affidavits had been obtained
9 from those three individuals; is that right?

10 MR. STARR: Form, foundation, speculation.

11 BY THE WITNESS:

12 A. Yes.

13 Q. And that -- that petition was denied?

14 A. Yes.

15 Q. Okay. You also filed a habeas?

16 A. Yes.

17 Q. Do you recall the year?

18 A. No. Within the time period.

19 Q. Okay. And was the habeas also filed through
20 your counsel, Ms. Blagg?

21 A. Yes.

22 Q. Okay. And the habeas, did it also attach the
23 three affidavits of Friend, Wade, and Cooper as
24 supporting evidence?

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1 A. I think so, yes.

2 Q. And what happened with the habeas?

3 A. I won.

4 Q. And what year was that?

5 A. I guess in 2020.

6 Q. I want to take a step back just real quick.

7 Can you take a look at Exhibit 5? It's the -- the TIRC
8 letter.

9 A. Okay.

10 Q. All right. In that first paragraph, you
11 reference Area 5 detectives Raymond Schalk and
12 Jerome Bogucki. Do you see their names?

13 A. Yes.

14 Q. Okay. And if you need to take a look through
15 the document in its entirety, let me know.

16 But nowhere in this document do you reference
17 Sergeant Wojcik or a Detective Noradin, correct?

18 MR. STARR: Do you want to take a look at the whole
19 thing?

20 THE WITNESS: If she said I didn't reference them,
21 I didn't reference them.

22 BY MS. WEST:

23 Q. Well --

24 MR. STARR: That's fair.

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1 MS. WEST: Okay.

2 THE WITNESS: Okay.

3 BY MS. WEST:

4 Q. Do you know who Sergeant Wojcik is?

5 A. Do I know who he is? Yes.

6 Q. Who is that?

7 A. He's a sergeant at Area 5.

8 Q. And did you have any interactions with him
9 during your time at Area 5 regarding the investigation
10 of the Sorrell homicide?

11 A. No, not directly.

12 Q. Okay. And how about Detective Norton? Did
13 you have any interaction with him during your time at
14 Area 5 during the investigation into the Sorrell
15 homicide?

16 MR. STARR: Objection: foundation.

17 BY THE WITNESS:

18 A. I'm not sure. I'm thinking he's the third
19 police that took me to the lineup. I'm not sure.

20 Q. Okay. Are you aware that you have sued both
21 of those individuals, Detective Norton and
22 Sergeant Wojcik, in this current lawsuit?

23 A. I am now. I wasn't.

24 Q. Okay.

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(Brief pause.)

BY MS. WEST:

Q. Okay. If you can go down on the first page -- that's TIRC-FLETCHER 80 -- that last paragraph there that starts with "Now," you write, "Now, on July 25th, 1990, I was released from prison after serving 10 yrs and 9 mos for the exact same crime, felony murder."

Do you see that?

A. Yes.

Q. Okay. And I know we talked about this a little bit ago. But following the release for the -- the prior felony murder, you were paroled to your parents' house, correct?

A. Yes.

Q. Okay. So on the second page there, at the top -- Well, let's start back on the -- I'm sorry -- on the first page where it says, "I paroled to my parents' house which is 5 minutes away from where this crime occurred." Do you see that?

A. Yes.

Q. Okay. Earlier I think I asked you, like, how close that your -- parents' home was from where the murder took place, and you said 10 to 12 blocks; is that right?

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1 A. Right.

2 **Q. Okay. So when you say five minutes, are you**
3 **talking about, like, in a car?**

4 A. Yes.

5 **Q. Okay. The next sentence, "I had to go visit**
6 **my parole officer's office once a" -- and then what's**
7 **the next word?**

8 A. "I had to go visit my parole officer's" --
9 Where is that at? Oh, "once a month."

10 **Q. Okay. "Which is located on the same street**
11 **where the crime occurred, 3 minutes away."**

12 A. Yes.

13 **Q. Okay. Where was -- Where was the office?**

14 A. Right down the street on Madison -- Central
15 and Madison.

16 **Q. Okay. So it was still within the block of**
17 **Central and Madison?**

18 A. No. The crime occurred on Central and
19 Madison. The parole office was -- What is that?
20 Madison and -- What is that street? It slipped my mind.
21 It's right down the street on Madison.

22 **Q. Okay.**

23 A. Yeah.

24 **Q. Do you know how many blocks away it was from**

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1 **where the crime occurred?**

2 A. Driving it's like three minutes. It's right
3 there. I'm trying to think. What is that? It's not
4 Pulaski. It might be -- Oh, I think it's Cicero.

5 **Q. Okay.**

6 A. Yeah, Cicero.

7 **Q. Next sentence there -- Actually, the next two**
8 **sentences. So you're writing that your photo wasn't**
9 **picked out of a lineup in 1990 and that you were**
10 **eliminated as a suspect?**

11 A. No --

12 **Q. Do you see that?**

13 A. No, I wrote, "So we both know I was their
14 number one suspect in 1990."

15 **Q. Correct. And then if you go down where it**
16 **says -- Hang on. Let's see. We'll do the whole thing**
17 **here. So we know I was their number one suspect in**
18 **1990. "I know after my photo was not picked out of the**
19 **photo array in 1990, that's why I was not even picked up**
20 **or questioned about this crime in 1990 and I was**
21 **eliminated as a suspect in 1990."**

22 A. Yes.

23 **Q. Did I read that correctly?**

24 A. Yes.

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1 MR. STARR: You missed the word "both."

2 MS. WEST: Thank you.

3 THE WITNESS: Yes.

4 MR. STARR: It changes the narrative structure.

5 MS. WEST: Let's get it right, though.

6 MR. STARR: I think you read "So we" -- "we know"
7 instead of "So we both know."

8 MS. WEST: Ah. Thank you.

9 MR. STARR: Just for the record.

10 MS. WEST: All right. Let's do it again just for
11 the record.

12 BY MS. WEST:

13 Q. "So we both know I was their number one
14 suspect in 1990. I know after my photo was not picked
15 out of the photo array in 1990, that's why I was not
16 even picked up or questioned about this crime in 1990
17 and I was eliminated as a suspect in 1990."

18 A. Yes.

19 Q. Okay. What's your basis to state that your
20 photo was a part of that 1990 --

21 MR. STARR: And before you --

22 BY MS. WEST:

23 Q. -- lineup?

24 MR. STARR: -- answer, I want you to -- feel free

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1 to answer based on your own knowledge. Don't answer and
2 reveal any attorney-client conversations you've had.

3 Okay?

4 THE WITNESS: Okay.

5 MR. STARR: If you're able to do it without doing
6 that, go ahead.

7 BY THE WITNESS:

8 A. Well, Terry Rogers stated in a police report
9 that he heard one of the robbers call the other one by
10 the name Fletcher, correct, which is my last name. I
11 had just came home from prison in 1990 for the exact
12 same crime, so any detective that's worth his -- you
13 know? Who's going to be their number one suspect? I
14 live five minutes away driving, and I'm on parole for
15 the exact same crime, Jimmy Fletcher. It says in the
16 police report that they showed a photo array to the
17 witnesses, if I'm not mistaken, December 22nd of 1990.

18 Q. And you have never seen the photo array that
19 was shown, correct?

20 A. No.

21 Q. Okay.

22 A. It's missing.

23 Q. And so when you say that -- Strike that.

24 Is it your testimony that your photograph was

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1 **likely included in that 1990 photo array?**

2 A. I'm saying that I was their number one, main
3 suspect, yes.

4 **Q. All right. So are you saying that your**
5 **photograph would have been included in that photo array**
6 **in 1990?**

7 MR. STARR: Form, foundation, speculation.

8 Go ahead.

9 BY THE WITNESS:

10 A. Yes.

11 **Q. Okay. And other than what you've already told**
12 **me, do you have any additional basis to think that your**
13 **photo was included in that array?**

14 A. Besides --

15 MR. STARR: Again, without revealing any
16 attorney-client privilege.

17 BY THE WITNESS:

18 A. I'm not sure if Friend mentioned it in her
19 affidavit, but, I mean, I believe that I was.

20 **Q. Okay. And, again, you've never seen the photo**
21 **array from 1990, right?**

22 A. It's missing.

23 MR. STARR: Asked and answered.

24

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1 BY THE WITNESS:

2 A. We've been trying to get it, yes.

3 Q. And have you ever spoken with anyone who
4 viewed that 1990 lineup?

5 MR. STARR: Form, foundation, speculation.

6 BY MS. WEST:

7 Q. I'm sorry. Photo array, by the way. Let me
8 strike that and start over.

9 Have you ever spoken with anybody that said
10 they viewed the 1990 photo array?

11 MR. STARR: Speculation, foundation.

12 BY THE WITNESS:

13 A. No.

14 Q. So safe to say since you've never seen the
15 photo array and you've never had a conversation with
16 somebody who did see it, you're speculating to say that
17 you were among the photographs, correct?

18 A. You can say that.

19 Q. If you could go to the third page on that
20 document, which is TIRC-FLETCHER 82.

21 A. Okay.

22 Q. The second to last paragraph, the middle of
23 that -- that paragraph there where it says "Terry Rogers
24 was really the mastermind." Do you see that?

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1 A. Yes.

2 **Q. Okay.**

3 MR. STARR: I'm sorry. Could you just tell me
4 where that is again?

5 MS. WEST: Sure.

6 MR. STARR: I don't see it.

7 MS. WEST: So, like, if you're in the second to
8 last paragraph --

9 MR. STARR: On 82?

10 MS. WEST: -- the middle on 82 --

11 MR. STARR: Got it.

12 MS. WEST: -- over to the right. Okay.

13 MR. STARR: Thanks.

14 MS. WEST: Yeah.

15 BY MS. WEST:

16 **Q. So it says, "Terry Rogers was really the**
17 **mastermind of the robbery and he was the lookout man for**
18 **the robbery." Do you see that?**

19 A. Yes.

20 **Q. Okay. How do you know that?**

21 A. I was my own private investigator when I was
22 in prison, when I was in the county jail, and through
23 reading the police reports. I think Cooper kind of
24 asserted that in one of his police reports, that he

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1 think Terry Rogers set him up.

2 Q. Other than looking at the police reports while
3 you were incarcerated, did anything else form -- inform
4 your opinion that Terry Rogers was the mastermind behind
5 the robbery?

6 A. Yes, the people that I was asking to help me.

7 Q. What people?

8 MR. STARR: Again, don't -- don't reveal any
9 attorney-client conversations, please.

10 BY THE WITNESS:

11 A. No, it wasn't through my attorney. Any --
12 Anybody that came to jail that was from that area.

13 Q. Did you have conversations with people in
14 prison about Terry Rogers specifically?

15 A. Yes.

16 Q. Other than the name of the individual that you
17 told me earlier who also said Terry Rogers set him up,
18 who else did you speak with about Terry Rogers while you
19 were incarcerated?

20 A. Any and everybody that could help me.

21 Q. Did anybody that you spoke with ever tell you
22 specifically that Terry Rogers was directly involved
23 with the robbery of Edward Cooper?

24 A. Specifically? No. They just said he was on

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1 drugs, and he was doing robberies.

2 **Q. Okay. Do you recall the names of those**
3 **individuals that told you that?**

4 A. No. That was -- No. That was a long time
5 ago.

6 **Q. And you've never spoken with Terry Rogers**
7 **about his involvement?**

8 A. No.

9 MR. STARR: Asked and answered.

10 BY MS. WEST:

11 **Q. If you keep going on that same paragraph that**
12 **we just read, same sentence, "But after the innocent**
13 **bystander was killed, he claimed to be a witness to save**
14 **himself from being charged. Plus, his partner and best**
15 **friend back in 1990 was Fletcher Clinton, the actual**
16 **killer."**

17 A. Yes.

18 **Q. Okay. First of all, who is Fletcher Clinton?**

19 A. The name that's in the police report who they
20 interviewed, I think, in '95, something like that.

21 **Q. Do you know that individual?**

22 A. No.

23 **Q. Why do you say he's the real killer?**

24 A. I mean, because he was in the police report.

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1 He was known from that area. He had all kinds of
2 arrests. Him and Terry was friends through my
3 invest- -- investigation I found out back then.

4 **Q. How did you know that him and Terry were**
5 **friends?**

6 A. People from the neighborhood that would come
7 to the county. I was asking, inquiring about it. I
8 was -- I was trying to get out of prison.

9 **Q. Who specifically did you ask that told you**
10 **that Fletcher Clinton and Terry Rogers were friends?**

11 MR. STARR: Again, no -- no attorney --

12 BY THE WITNESS:

13 A. Any and everybody from the neighborhood.

14 MR. STARR: -- conversations.

15 BY MS. WEST:

16 **Q. And when you say "his partner," what do you**
17 **mean by "his partner"?**

18 A. Like partner in crime. They used to rob
19 people together.

20 **Q. Yeah. Other than your own personal**
21 **investigation into Terry Rogers's involvement in the**
22 **crime -- and, again, I don't want to know anything about**
23 **conversations from your attorney -- is there anything**
24 **else that supports your position that Mr. Rogers was**

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1 **involved?**

2 A. Well, no, my attorneys didn't tell me that
3 they was involved, if that's what you mean.

4 MR. STARR: No, no, no.

5 BY MS. WEST:

6 **Q. No, no, no.**

7 MR. STARR: That's not what she's --

8 MS. WEST: Yeah.

9 Do you mind reading it back, please?

10 (Record read as requested.)

11 BY THE WITNESS:

12 A. Edward Cooper.

13 **Q. Okay. And what specifically about Mr. Cooper**
14 **supports your position that Mr. Rogers was involved?**

15 A. He tells you in the police report in '95 he
16 think Terry Rogers set him up.

17 **Q. Okay. Anything other than Mr. Cooper's**
18 **statement that Terry Rogers set him up?**

19 A. My own investigation. That's it.

20 **Q. Okay. What happened to your TIRC claim?**

21 MR. STARR: Asked and answered.

22 BY THE WITNESS:

23 A. I don't know.

24 **Q. All right. You can put that aside. Thank**

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1 **you.**

2 **While you were incarcerated awaiting trial,**
3 **did either Cook County Jail or the Illinois Department**
4 **of Corrections have e-mail capabilities back in 2002 to**
5 **2005?**

6 MR. STARR: Form, foundation --

7 BY THE WITNESS:

8 A. No.

9 MR. STARR: -- speculation.

10 BY MS. WEST:

11 **Q. When did the Illinois Department of**
12 **Corrections start with e-mail communication**
13 **capabilities?**

14 MR. STARR: Same objections.

15 BY THE WITNESS:

16 A. 2018.

17 **Q. Okay. Did you utilize the -- the ability to**
18 **e-mail with family members or friends through the**
19 **Illinois Department of Corrections?**

20 MR. STARR: Objection to form.

21 BY THE WITNESS:

22 A. Yes.

23 **Q. How did that -- that work? Were you given**
24 **access to a computer? How could you access an e-mail?**

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1 A. Yes, you had to go to commissary and buy,
2 likes, a little tablet, and you could e-mail back and
3 forth.

4 **Q. Once you bought that tablet, was it something**
5 **that you could have in your possession at all times?**

6 A. Yes.

7 **Q. Did you buy a tablet?**

8 A. Yes.

9 **Q. Who would you correspond with over e-mail?**

10 MR. STARR: Form, foundation, speculation.

11 BY THE WITNESS:

12 A. Girls. Let's see. Just girls, I guess.
13 Family members.

14 **Q. What family members?**

15 A. I don't remember. Anybody that would text me
16 back. I was -- Basically, like, anybody that would text
17 me back.

18 **Q. When you say "text," is it like an --**

19 A. Like e-mail me. I'm saying text.

20 **Q. Okay.**

21 A. E-mail.

22 **Q. Did you e-mail with your father?**

23 A. No, I don't think so.

24 **Q. Did you e-mail with your mother?**

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1 A. No, I don't think so.

2 **Q. You e-mail with any of your siblings?**

3 A. No, I don't think so, not that --

4 **Q. Did you e-mail with Ms. Sanders?**

5 A. I don't recall. Probably, though.

6 **Q. Did you e-mail with your children?**

7 A. I don't remember. I don't remember.

8 **Q. Did you -- When you would e-mail with family**
9 **members or friends, did you speak about your case via**
10 **e-mail?**

11 MR. STARR: Objection: form, foundation.

12 BY THE WITNESS:

13 A. Probably.

14 **Q. Who would you e-mail about your case?**

15 A. Like I said, I was -- I remember e-mailing
16 girls. That's all I remember.

17 **Q. When you would e-mail those girls, would you**
18 **talk about your case?**

19 MR. STARR: Objection: form, foundation, calls for
20 speculation.

21 BY THE WITNESS:

22 A. Probably.

23 **Q. Okay. When you would e-mail with Ms. Sanders,**
24 **do you recall specifically referencing your case?**

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1 MR. STARR: Form, foundation, speculation.

2 BY THE WITNESS:

3 A. I don't even remember if I was e-mailing with
4 her because I used to call her.

5 Q. I know we talked about this a little bit
6 earlier. I just want to make sure I've got the timeline
7 correct. So prior to retaining Ms. Blagg as counsel,
8 had you, either through a private investigator or your
9 father, been attempting to obtain affidavits from
10 Ms. Friend, Mr. Cooper, and Mr. Wade?

11 MR. STARR: Form, foundation, asked and answered.

12 BY THE WITNESS:

13 A. Yes.

14 Q. Okay. Let me go back to Exhibit 3 real quick.
15 It is the affidavit of your father.

16 A. Okay.

17 Q. This one (indicating). Okay.

18 MR. STARR: Before you -- Could I just hear the
19 last question again?

20 MS. WEST: Sure.

21 (Record read as requested.)

22 MR. STARR: Thank you. Appreciate it.

23 BY MS. WEST:

24 Q. Okay. So on Exhibit 3, the first page,

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1 **Paragraph 6, do you see the name Joe Mahr?**

2 A. Paragraph -- Yeah.

3 **Q. Okay. Do you know who that individual is?**

4 A. I think that was one of Mr. Cohn's
5 investigators.

6 **Q. Okay. Do you see Paragraph 7 here? "After**
7 **Jim's post-conviction was filed, I kept trying to find**
8 **all three witnesses," period.**

9 **Did you direct your father to specifically**
10 **attempt to locate all three witnesses following your**
11 **conviction in 2005?**

12 MR. STARR: Form, foundation, and I believe that
13 was asked and answered.

14 BY THE WITNESS:

15 A. No.

16 **Q. Did you have a conversation about your**
17 **father's efforts following 2005 to locate these**
18 **individuals?**

19 MR. STARR: Same -- Same objections.

20 BY THE WITNESS:

21 A. No.

22 **Q. Never -- You never had any conversation with**
23 **your father from 2005 until 2020 about him trying to**
24 **locate Ms. Friend?**

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1 MR. STARR: Form, foundation, calls for
2 speculation.

3 BY THE WITNESS:

4 A. Through Frederick Cohn, yes. What you -- When
5 he was working for Frederick Cohn, yes.

6 **Q. Okay.**

7 A. Frederick Cohn was sending him to try to find
8 her.

9 **Q. And you specifically talked to your father**
10 **about that?**

11 A. I don't remember. I probably did.

12 **Q. Okay. Do you recall having conversations with**
13 **your father specifically about locating Mr. Cooper?**

14 MR. STARR: Same objections.

15 BY THE WITNESS:

16 A. I don't remember, but I probably did.

17 **Q. Do you know if it took your father multiple**
18 **attempts to locate each one of these witnesses?**

19 MR. STARR: Form, foundation.

20 BY THE WITNESS:

21 A. I don't know.

22 **Q. Who's Susan Swanson?**

23 A. Private investigator.

24 **Q. Do you independently recall her involvement in**

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1 **your investigation following your conviction?**

2 A. Yeah.

3 **Q. What did she do?**

4 A. She went to look for the witnesses.

5 **Q. Specifically, what witnesses?**

6 MR. STARR: Form, foundation, speculation.

7 BY THE WITNESS:

8 A. I'm guessing all of them. I don't remember.

9 **Q. Are you aware if Ms. Swanson ever made contact**
10 **with any of the witnesses?**

11 A. Yes, she did.

12 **Q. Which witness?**

13 A. I think Sheenee Friend.

14 **Q. And who did you learn that information from?**

15 MR. STARR: If you learned it from an attorney or
16 from an investigator working for an attorney in an
17 attorney's presence, don't -- instruct you not to
18 answer.

19 THE WITNESS: Yeah.

20 BY THE WITNESS:

21 A. I don't know.

22 **Q. Okay. Who is Dana Holland?**

23 A. A private invest- -- private investigator that
24 worked for Susan Swanson.

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1 **Q. And do you have an understanding as to**
2 **Ms. Holland's involvement?**

3 A. It's a he. Yes.

4 **Q. Thank you.**

5 **Okay. What's your understanding?**

6 A. He's an investigator that worked for
7 Susan Swanson.

8 **Q. And specifically, what did he do?**

9 MR. STARR: Speculation.

10 BY THE WITNESS:

11 A. Locate witnesses.

12 **Q. Do you know if he located any of the witnesses**
13 **in this case?**

14 MR. STARR: Speculation.

15 BY THE WITNESS:

16 A. Sheenee Friend.

17 **Q. Was that at your direction or your father's**
18 **direction?**

19 MR. STARR: Speculation.

20 BY THE WITNESS:

21 A. I think an attorney.

22 **Q. But you were aware that your father was**
23 **actively trying, either himself or through an**
24 **investigator, to locate Ms. Friend, Mr. Cooper, and**

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1 **Mr. Wade, right?**

2 MR. STARR: Asked and answered.

3 BY THE WITNESS:

4 A. Through Frederick Cohn, yes.

5 **Q. Okay. All right. Bear with me because I'm**
6 **going to try to pull up some audio recordings.**

7 MS. WEST: Are we good on time?

8 THE VIDEOGRAPHER: Yeah. We still have about
9 40 minutes -- 30 minutes.

10 MS. WEST: Okay. Do you guys need a break before I
11 do this? Because it'll take me a second.

12 MR. STARR: Sure. Let's take a five-minute break.

13 MS. WEST: Okay.

14 THE VIDEOGRAPHER: Okay. Then I'll just switch.

15 Okay. We are going off the video record at
16 1:51 p.m., and this is the end of Video Media 3.

17 (A short break was had.)

18 THE VIDEOGRAPHER: We are back on video record at
19 2:03 p.m., and this is the beginning of Video Media 4.

20 MS. WEST: All right. Do we want to mark these as
21 an exhibit even though it's an audio?

22 MR. STARR: (Nodding.)

23 MS. WEST: Okay. Then let's mark this first audio
24 call -- It's from May 6th, 2018, and we'll mark it

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1 Exhibit 7.

2 MR. STARR: Counsel, before you --

3 MS. WEST: Sure.

4 MR. STARR: -- play this, are you going to identify
5 all the calls? Are you playing more than one call
6 today.

7 MS. WEST: Mm-hmm. I will.

8 MR. STARR: Okay. Are you going to identify all of
9 them?

10 MS. WEST: Yeah, I will ahead of time. But if you
11 want me to tell you them now, I can.

12 MR. STARR: Yeah, could you?

13 MS. WEST: Sure. All right. So the May 6th one is
14 the first one.

15 The second one is going to be March 15th,
16 2019. That will be 8 -- Exhibit 8.

17 MR. STARR: Exhibit 8. Okay.

18 MS. WEST: Exhibit 9 is going to be March 15th,
19 2019.

20 10 -- Hang on. What did I just tell you?

21 MR. STARR: March 15th, 2019.

22 MS. WEST: Okay. Then 10 is going to be May 16th,
23 2018.

24 And the last one will be 11, which is

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1 October 12th, 2018.

2 And I'll try to time them out, like tell you
3 where I am on the call.

4 MR. STARR: Yeah, that was -- My next question is,
5 are you intending to play the entirety of the call?

6 MS. WEST: I'm not.

7 MR. STARR: Okay. I am going to submit to the
8 record that we have an outstanding interrogatory request
9 for you to identify what calls you're going to use in
10 litigation. That has gone unanswered for, I think, six
11 months.

12 MS. WEST: Okay.

13 MR. STARR: And I'm -- I'm not going to let him
14 answer questions about these calls because we haven't --
15 they haven't been identified, and we haven't had an
16 opportunity to review them in preparation for today.

17 MS. WEST: So I am definitely willing -- If you
18 want to stop, we'll take a break, and I'll let you
19 listen to the -- Because I'm talking like 15 seconds
20 here, 10 seconds here, 20 seconds here. If you'd like
21 to listen to them all with him ahead of time and then we
22 go back on the record and ask the questions about them.

23 MR. STARR: I can -- I can -- Where are we going to
24 do this? I mean, I just -- I --

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1 MS. WEST: Yeah. If you guys want to go in the
2 room next door, if you want me to set you up in an
3 office across the hall.

4 MR. STARR: I mean, I'm not trying to, like, call
5 you out. I just -- I feel like it's somewhat of a
6 sandbagging moment to have an outstanding interrogatory
7 that hasn't been answered. And -- and I understand that
8 I wasn't actually -- I didn't have an appearance in the
9 case when these calls were litigated, but it's my
10 understanding that -- that part of the litigation had to
11 do with the burden. Part of the Court's consideration
12 and part of defendants' limitation on what calls they
13 were seeking was because of the burden involved in
14 listening to, hiring people to listen to, and log all
15 the calls, which, you know, obviously you guys as a firm
16 know what that costs, and we know what it costs. And
17 that's why the interrogatories were issued, and they
18 just have gone unanswered. And so to now be -- you
19 know, have to take a break from the deposition on a
20 Friday afternoon and prep my client and talk to my
21 client about what's on the calls and, you know, have one
22 opportunity to review them, I don't know -- I don't
23 think that's fair.

24 MS. WEST: Okay. Well, in response, they're his

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1 calls. Like, he's on all of them, so he should know
2 what he said when he said it. And, second of all, I'm
3 not trying to sandbag. That's why I'm giving you the
4 opportunity to listen to, probably in total, less than
5 five minutes of calls --

6 MR. STARR: Okay.

7 MS. WEST: -- ahead of time.

8 MR. STARR: In regards to your first point there, I
9 mean, I -- I think that's it's preposterous to think
10 that people remember all the calls that they have, so --
11 I mean, I don't remember all the calls that I have this
12 week, so ...

13 MS. MORRISON: Well, sure, but these have been
14 produced in litigation, so you can't act surprised that
15 he's going to be questioned about his IDOC calls at his
16 deposition.

17 MR. STARR: Except when there's an outstanding
18 interrogatory that's yet to be answered. You can act
19 surprised because if you guys had served an
20 interrogatory on us asking us to identify what calls we
21 were going to use and if I was planning on using them, I
22 would have identified it in advance.

23 MS. MORRISON: What is the date of the outstanding
24 request?

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1 MR. STARR: It's right here. I'll show it to you.

2 MS. WEST: And then you -- Just for the record, you
3 guys --

4 MR. STARR: And -- and we propounded on the City
5 and individual defendants. The date of the request --
6 The date of the answer -- There doesn't appear to be a
7 date on it. But it's -- it's Defendant Officers'
8 Answers to Plaintiff's Second Set of Interrogatories,
9 and there's two different interrogatories. The first
10 one is in response to our request to admit asking us if
11 you are using any audio recording that supports your
12 denial beyond -- If you answered it with anything beyond
13 unequivocal admit, please identify each audio recording
14 that supports your denial. And then it asks for each
15 recording. Please identify the recording by time, date,
16 and file name. Identify each speaker on the recording,
17 describe the substance of the recorded conversation, and
18 identify any documents related to the recording. And
19 the answer is essentially -- and I'm summarize -- we
20 haven't listened to them yet. Fair enough. But this
21 was propounded months ago.

22 The second interrogatory is a request much
23 more broadly by -- that asks for, Please identify any
24 and all audio recordings of any telephone call which you

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1 intend to rely on in this litigation or that you contend
2 supports or rebuts any party's claimed defense in this
3 case. For each such audio recording, then we ask for
4 the same list of things. And we say, Please be advised
5 that plaintiff intends to move to bar in later
6 litigation and at trial any reference to recordings that
7 are not identified in the response to these
8 interrogatories.

9 So in response to the City's contention, I
10 am -- I am surprised because they -- these were never
11 answered and we assumed that you were not going to use
12 any.

13 MS. WEST: Well, I think that's, like, disingenuous
14 to say that because you had him review an IDOC call
15 before today's dep.

16 MR. STARR: I had him review a IDOC call that --
17 that your co-counsel identified in an e-mail. That's
18 the one that I had him review.

19 MS. WEST: That he was going to be questioned about
20 today?

21 MR. STARR: No. I had him -- Because of what your
22 co-counsel said the -- this phone call -- what was on
23 the phone call. The representation that your co-counsel
24 made in the e-mail was -- was incorrect, and I -- and

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1 I -- I listened to it, and I wasn't sure, and I asked
2 him to listen to it and make sure that he understood the
3 same way that I did. So that was in reference to one
4 call that was identified.

5 MS. WEST: Okay.

6 MR. STARR: So -- So one call that was identified
7 was falsely represented, and I wasn't going to get into
8 that, but that's in response to the earlier question. I
9 think it's fair why you asked that. That's what that
10 was.

11 MS. WEST: Okay. I -- I -- I know nothing about
12 that communication, I'm assuming, with Brian.

13 MR. STARR: Yeah. So in an e-mail, he identified a
14 phone call where he -- he said certain things were said
15 on -- on the --

16 MS. WEST: Okay.

17 MR. STARR: -- phone call, and those were not said
18 on the phone call.

19 MS. WEST: Okay.

20 MR. STARR: So --

21 MS. WEST: Fair enough. So let me just make sure I
22 understand your position correctly, because I thought
23 initially you said that the interrogatory asked for us
24 to identify specifically what calls were going to be

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1 used with what witness.

2 MR. STARR: They ask what calls you may use in the
3 litigation.

4 MS. WEST: Okay. So not with each witness?

5 MR. STARR: I can -- I can show -- I can show you
6 what your responses were.

7 MS. WEST: No, no, I -- I -- I believe you. I take
8 your word --

9 MR. STARR: Okay.

10 MS. WEST: -- for -- on it.

11 MR. STARR: Okay.

12 MS. WEST: I'm just trying to understand exactly --

13 MR. STARR: Sure.

14 MS. WEST: -- what you meant. Like ahead of each
15 deposition we were required based on your interrogatory
16 to tell you what calls we wanted to use?

17 MR. STARR: I mean, I think that -- that the
18 interrogatory asks for you to identify which calls you
19 want to use in the litigation, and the only -- the only
20 calls that have been identified, as far as I understand
21 it, in this litigation are in that e-mail from Brian,
22 and they were not an e-mail -- And I don't mean --

23 MS. WEST: Yeah.

24 MR. STARR: -- to dive into the e-mail, but they

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1 were -- they were in an e-mail conferral that we were
2 having about a different set of phone calls.

3 MS. WEST: Okay.

4 MR. STARR: And they were in reference to a call
5 that Mr. Fletcher made. And the representation, in my
6 opinion, is incorrect. So the one call that I think was
7 identified was falsely -- falsely represented.

8 MS. WEST: Okay.

9 MR. STARR: I'm not -- I'm not saying he did it on
10 purpose.

11 MS. WEST: Yeah.

12 MR. STARR: You know, these are --

13 MS. WEST: That's fine.

14 MR. STARR: -- these are other people's phone
15 calls, and we're diving into other people's phone calls,
16 and obviously, there's some -- some degree of
17 interpretation that occurs when that happens. So I'm
18 just pointing that out, the one call that I think that's
19 actually been identified in advance is a call that was
20 identified to say one thing that it doesn't even say.

21 MS. WEST: Okay. A couple things. I don't think
22 just because there's an outstanding answer or a need to
23 supplement an answer --

24 MS. MORRISON: Well, it sounds like there was an

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1 answer.

2 MS. WEST: Right.

3 MS. MORRISON: It just sounds like you weren't
4 satisfied with the answer.

5 MS. WEST: It doesn't mean --

6 MS. MORRISON: It's not like we didn't answer the
7 interrogatory.

8 MR. STARR: I mean, you didn't answer the
9 interrogatory. You answered that you haven't basically
10 read -- you haven't reviewed the -- the phone calls. I
11 mean, I can read the answer to the --

12 MS. MORRISON: I'm just trying to say for the
13 record --

14 MS. WEST: Yeah.

15 MS. MORRISON: -- it's not that there was
16 outstanding interrogatories that were never responded
17 to.

18 MR. STARR: No, they were responded to, but they
19 weren't -- they weren't answered.

20 MS. WEST: You mean they weren't --

21 MR. STARR: The questions --

22 MS. WEST: Well, they were answered.

23 MS. MORRISON: They were answered.

24 MR. STARR: The interrogatory that was propounded

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1 asked you to identify recordings, and the answer is --

2 MS. MORRISON: Well, I think there's objections to
3 the interrogatories is an initial point, so ...

4 MR. STARR: Of course there's objections.

5 MS. MORRISON: I'm just saying, if this is an issue
6 that has not -- Has there been meet and confers on this?
7 I mean, I don't actually know. So I'm just asking, have
8 there been meet and confers as to the -- in such a
9 response by the defendants?

10 MR. STARR: I have not been part of a meet and
11 confer, but that doesn't change the fact that there's --
12 there's an outstanding request --

13 MS. WEST: Yeah.

14 MR. STARR: -- that hasn't been answered, and then
15 we're sitting here today and the calls are now being
16 presented.

17 MS. WEST: Right.

18 MS. MORRISON: Well, that's not true. They've been
19 answered. They were objected to. You haven't followed
20 up as to a meet and confer on it.

21 MR. STARR: You said that on the record a couple
22 times. I think that's clear.

23 MS. WEST: Yeah, so her -- her point is basically,
24 like, we don't think that you can instruct him not to

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1 answer, not allow us to question on it if we haven't had
2 a meet and confer over the issue when we did answer the
3 interrogatory. Right?

4 MS. MORRISON: Yeah.

5 MS. WEST: That's your point?

6 MS. MORRISON: That's my point.

7 MR. STARR: And I -- Like I said, I don't know for
8 sure whether or not there has been -- because I think
9 this was propounded before -- I believe before I had an
10 appearance in the case.

11 MS. WEST: Okay.

12 MR. STARR: I don't know whether or not there has
13 actually been a meet and confer. That's what I said for
14 the record.

15 MS. WEST: Fair enough.

16 MR. STARR: Maybe there has been. I'm not sure.

17 MS. WEST: Not the one that I've been a part of.
18 But I do know the one I deposed with Sanders, we used
19 the phone calls, and there was no objection made. And I
20 can check the dates for you on whether this was in
21 existence at the time or not.

22 MR. STARR: Okay.

23 MS. WEST: And not to mention -- Sorry. One more
24 point --

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1 MR. STARR: Sure.

2 MS. WEST: -- just for the record. There were
3 others that I was planning on calling -- or playing that
4 I didn't, but some of the ones that I'm playing are
5 directly related to some of the comments that he said,
6 like, today, that he has said today, in rebuttal and/or
7 furtherance of his testimony here today. So I don't --
8 I don't think that there are going to be a ton of
9 surprises in what I'm playing. And, again, if you want
10 to take the opportunity to review them, I think that
11 eliminates the sandbagging, if you think I'm sandbagging
12 right now. Not to mention the fact that I don't think
13 we're at issue on this and that you can tell us we can't
14 play them.

15 MR. STARR: Well, I can instruct him not to answer
16 and then we can call the judge. I mean, I can do that,
17 and I might do that.

18 MS. WEST: Okay.

19 MR. STARR: I'm -- I'm happy to take a break and
20 confer with my client.

21 MS. WEST: Yeah, that's fine.

22 MR. STARR: I don't -- I don't -- I don't know if I
23 have enough time to properly listen to the calls, digest
24 them, and -- and confer with my client. I don't -- I

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1 don't know if I do or not, but I'm happy to take a break
2 and talk to my client about that.

3 MS. WEST: Sounds good.

4 MR. STARR: Okay?

5 MS. WEST: Okay. We'll go off.

6 THE VIDEOGRAPHER: All right. We are going off the
7 video record at 2:14 p.m.

8 (A short break was had.)

9 THE VIDEOGRAPHER: We are back on video record at
10 2:30 p.m.

11 MR. STARR: So plaintiff's -- Plaintiff has
12 considered your offer, and we have a counterproposal;
13 and as -- We -- We mentioned this off the record but
14 we're going to put it on the record now. Plaintiff's
15 counterproposal is this: We have a outstanding
16 interrogatory request for defendants to identify the
17 calls they intend to use in litigation. It's our
18 position that that has not been answered. Defendants'
19 counsel has represented there has not been a meet and
20 confer on the issue.

21 We still -- It's plaintiff's position that we
22 still have that discovery request out there, and that it
23 has not been answered; and therefore, we're not going to
24 answer questions about phone calls in advance -- in

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1 advance of those phone calls being identified. That's
2 why we served the interrogatory in the first place.

3 Our counterproposal is if defendants identify
4 the time signatures for the -- the five dates that --
5 phone calls that they already identified on the record,
6 we will have -- I will have my co-counsel review those
7 separate from this deposition; and while those are being
8 reviewed by my co-counsel, you can continue to ask
9 whatever other questions you have that are not
10 specifically about the calls so that we don't waste
11 anyone else's time on a Friday afternoon. And then
12 we'll take a break, and I'll confer with my co-counsel
13 about the calls.

14 I won't -- I'm not making any assurances that
15 we'll be able to answer questions about those today
16 because I don't know what the call -- what is on the
17 calls. You know, part of the issue when these calls
18 were litigated was that they were -- they were overly
19 burdensome and that reviewing the calls takes money and
20 time. That was front and center of the litigation,
21 and -- and I think that's still at issue here today, and
22 that's -- that's why we have not reviewed the calls.
23 And so we issued the interrogatory asking to identify
24 them so that we could review them in advance of a

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1 deposition. That hasn't happened, and so we are -- find
2 ourselves at this juncture today.

3 That's our counterproposal. I understand that
4 you're -- you're not going to accept it, but I'm happy
5 to let you put that on the record.

6 MS. WEST: Thank you. Yeah, just for the record,
7 counsel and I conferred. We've all conferred about it.
8 But yeah, it's our position that we did answer the
9 interrogatory. There's been no objection to our answer
10 and request for a meet and confer over how we answered
11 the interrogatory; therefore, we're not at issue with
12 the interrogatory. The calls have been disclosed for --
13 and produced for -- I mean, I don't know if it's been
14 years, but it's definitely been over a year, if not
15 longer, so I don't think the objection is properly
16 lodged.

17 And then with regard to the counterproposal, I
18 think that we're not willing to accept the
19 counterproposal because we don't know that you're
20 actually going to still let us ask questions about it,
21 so what's the point of having the review? Obviously,
22 the review would be to prevent any sandbagging that you
23 think is happening. But if we're still not allowed to
24 question about the calls, I don't really understand the

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1 point or what the objection would be. So we're not
2 willing to consider the counterproposal. And we think
3 that any objection to instruct the witness not to answer
4 based on the content of the phone calls or the questions
5 about the phone calls would be improper unless it's some
6 sort of an attorney-client-communication privilege that
7 you're asserting and telling him not to answer.

8 MR. STARR: Yeah, and I don't even know if that's
9 the case or not --

10 MS. WEST: It's not.

11 MR. STARR: -- because I know there were some calls
12 that were between the attorneys. So, you know, our
13 position, again, is that we've -- you know, we --
14 we propounded that interrogatory upon defendants. You
15 refused to answer it. And the whole point of that was
16 to eliminate, you know, being sandbagged. And I know
17 it's a term we're throwing around today. I don't -- I
18 don't mean to overuse it. But, you know, without having
19 those calls being identified in advance, it's very
20 difficult for me to know whether or not I'll have --
21 I'll have the time to properly digest them.

22 My suggestion in having my colleague do it off
23 the record was a time-saving, efficiency suggestion
24 based on the fact that it's a Friday afternoon, and I'm

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1 sure you have other questions that don't relate to the
2 calls. But, you know, I understand that you're not
3 accepting that. So our intention is to not answer
4 calls -- or not -- not answer questions specifically in
5 reference to the phone calls. And if you think we need
6 to call the Court, then we can call the Court and see
7 what the judge has to say on that.

8 MS. WEST: Yes, I do think we should call the
9 Court.

10 One further thing: No, I did not intend on --
11 There was only one call that was produced with counsel,
12 with Ms. Blagg, and I am not asking about that call. So
13 this was strictly communication with family members or
14 friends, so ...

15 MR. STARR: Thanks for that clarification.

16 MS. WEST: Yeah. Okay. Do we want to call her on
17 the record?

18 MR. STARR: I think so.

19 MS. WEST: Catherine, do you have anything else to
20 add before we --

21 MS. MORRISON: No. Just that I join obviously
22 Ms. West in the objections and that -- Just to clarify,
23 it wasn't that we refused to answer. They've been
24 answered.

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1 MS. WEST: Okay.

2 MR. STARR: Oh, and I just -- For the purpose of
3 the record, you're -- you were -- you asked earlier what
4 the -- the date. There was a date that --

5 MS. WEST: Oh, thanks.

6 MR. STARR: -- you guys answered that.

7 MS. WEST: Yeah.

8 MR. STARR: It was December 29th of 2022.

9 MS. WEST: December 29th, '22. Thank you.

10 All right. Let's see who we can get today,
11 guys.

12 MR. STARR: It's not like there's a holiday next
13 week or anything.

14 MS. WEST: Let's see. Should we do -- Well, I
15 guess that's our only option -- the courtroom deputy?

16 Okay. Right? Any other suggestions? That's
17 all that they've got a number for. Yeah.

18 MR. STARR: I -- I think that's probably our best
19 bet.

20 MS. WEST: Okay.

21 (WHEREUPON, a call to the Court was
22 made.)

23 MS. WEST: Hi. My name is Allyson West. I'm
24 calling regarding the James Fletcher case,

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1 James Fletcher versus City of Chicago. It's 20 C 4768.
2 I am here with counsel for the plaintiff, Mr. Starr;
3 counsel for the City; and a court reporter; and
4 Mr. Fletcher himself. We are doing his deposition, and
5 we have a dispute that we would like to bring to the
6 Court's attention for some assistance. I will also send
7 you a e-mail with this information. If you could give
8 me a call, my cell phone number is the best way to reach
9 me, which is (812) 595-0425.

10 Anything else to add?

11 MR. STARR: No. That's -- Plaintiff -- You know,
12 again, we're waiting to hear from the judge, and I think
13 we'll proceed with the deposition as best we can without
14 an answer on the issue.

15 MS. WEST: Okay. Thank you.

16 Okay. All right. Let me shoot her a quick
17 e-mail.

18 Do you want to go off the record for this
19 part?

20 THE VIDEOGRAPHER: Okay. We are going off the
21 video record at 2:38 p.m.

22 (A short break was had.)

23 THE VIDEOGRAPHER: We are back on video record at
24 2:42 p.m.

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1 MR. STARR: Do you -- Do you want to say anything
2 about --

3 MS. WEST: Oh, sure. So we just -- Well, we were
4 on the record when we called and left a voicemail. I
5 also sent an e-mail correspondence to the courtroom
6 deputy cc'ing all counsel kind of articulating that we
7 needed the Court's assistance, that we've reached a -- a
8 dispute.

9 MR. STARR: Okay. Thank you, Allyson.

10 MS. WEST: And we'll continue with the deposition
11 as far as we can get and see what they do.

12 MR. STARR: Appreciate it.

13 MS. WEST: Okay. Mr. Fletcher, thank you for your
14 patience.

15 BY MS. WEST:

16 **Q. All right. So I know we've -- we've touched**
17 **on this briefly. But when were you arrested relative to**
18 **the felony murder that took place in 1979?**

19 A. When was I arrested?

20 **Q. Yes, if you recall.**

21 A. October '79. I'm not sure.

22 **Q. Okay. And how old were you at the time?**

23 A. 16.

24 **Q. And the -- the -- the facts of the underlying**

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1 crime relate to a robbery and subsequent murder of a gas
2 station attendant or a convenient store attendant; is
3 that right?

4 A. Yes.

5 Q. Did you plead to that offense, sir?

6 A. Yes.

7 Q. Since you were 16 at the time, were -- if you
8 had moved forward to trial, was it your understanding
9 you would be --

10 A. Tried as an adult.

11 Q. -- tried as an adult?

12 A. Yes.

13 Q. Sorry. Is that a yes?

14 A. Yes.

15 Q. Okay. Did you have private counsel for
16 that -- that criminal case?

17 A. I think I did, yeah.

18 Q. Do you recall who your private counsel was?

19 A. No.

20 Q. What did you plead to?

21 A. I think first-degree murder.

22 Q. Did you also plead to a separate count for
23 robbery?

24 A. Probably.

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1 MR. STARR: Objection: form, foundation.

2 BY THE WITNESS:

3 A. I don't know. Probably.

4 Q. Okay. What --

5 A. Attempted robbery.

6 Q. Okay. What were you -- What time were you
7 sentenced to?

8 A. 22 years.

9 Q. And how much of that 22 years did you serve?

10 A. Ten years, nine months.

11 Q. And you told me this before. You were
12 released on July 25th, 1990, correct?

13 A. Yes.

14 Q. And that was just months before the
15 Willie Sorrell murder, correct?

16 A. Yes.

17 Q. Were you arrested in May of '91 for an
18 unlawful possession of a weapon?

19 A. '91? Yes, I think so.

20 Q. Okay. What happened to that -- that arrest?

21 A. I think I took supervision.

22 Q. Do you recall how long the supervision was
23 for?

24 A. I think a year.

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1 **Q. Okay. And then you were arrested again in**
2 **November of 1991 for an armed robbery; is that correct?**

3 A. I think December -- December 1st, if I'm not
4 mistaken.

5 **Q. Did the case go to trial?**

6 A. Yes.

7 **Q. Was it a jury trial or a bench trial?**

8 A. Bench.

9 **Q. And the judge found you guilty?**

10 A. Yes.

11 **Q. Did you testify?**

12 A. No.

13 **Q. Did you have a private attorney?**

14 A. Yes.

15 **Q. Do you recall who the private attorney was?**

16 A. Richard Kloak.

17 **Q. Did you have a gun during the underlying**
18 **robbery of that incident?**

19 A. No.

20 **Q. Okay. Was anyone relative to the -- the**
21 **robbery armed at the time?**

22 A. No.

23 **Q. Okay. But, yet, you were charged with armed**
24 **robbery?**

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1 A. Yes.

2 Q. How much time were you sentenced to?

3 A. 25 years.

4 Q. Do you -- You were still serving time for the
5 armed robbery from 1991 when you were arrested for the
6 homicide of Willie Sorrell, correct?

7 A. Yes.

8 Q. Okay. So you roughly served ten years -- a
9 little over ten years?

10 A. Yes.

11 Q. December '90- -- Okay.

12 A. '91, 2000, yes.

13 Q. And how much longer -- At the time that you
14 were arrested for the Willie Sorrell homicide, how much
15 longer did you anticipate serving on the armed robbery,
16 if you know?

17 A. Up until 12 and a half. Of 25, you do half,
18 so 12 and a half.

19 Q. Okay. So did you have a scheduled parole date
20 at the time you were arrested for the Sorrell homicide?

21 A. Yes.

22 Q. Do you know when it was?

23 A. No, no.

24 Q. So I guess based off that math, you at least

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1 **had, what, a couple more years to serve --**

2 A. Yes.

3 **Q. -- before you would be paroled relative to the**
4 **armed robbery?**

5 A. Yes.

6 **Q. Okay. 1991 -- December of '91 were you also**
7 **arrested for possession of a stolen vehicle?**

8 **(Telephone interruption.)**

9 MS. WEST: Sorry. Let me stop you really quick.

10 MR. STARR: Do you want to go off the record?

11 MS. WEST: Yeah, let's go off -- Or -- Yeah, let's
12 go off the record. Sorry.

13 THE VIDEOGRAPHER: We are going off the video
14 record at 2:48 p.m.

15 (A short break was had.)

16 THE VIDEOGRAPHER: We are back on video record at
17 2:50 p.m.

18 MS. WEST: Okay. For the record, we are on a phone
19 call with Judge Wood's courtroom deputy, and we have
20 articulated a little bit about what our dispute is and
21 the fact that we're in the middle of plaintiff's
22 deposition.

23 Do you want me to rehash everything, Sean, for
24 the record? I mean, we've rehashed it.

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1 MR. STARR: Maybe we should.

2 MS. WEST: Okay. All right. So -- So far, just
3 for the record, I've indicated that we are at issue
4 because I intended to ask questions related to Illinois
5 Department of Corrections phone calls, and counsel is
6 objecting to us asking him questions about the phone
7 calls because they are saying that our answer to the
8 interrogatory that they lodged asking us to identify any
9 and all IDOC phone calls that we planned on relying on
10 throughout the course of the litigation is deficient.
11 We have had communications back and forth about how we
12 want to deal with this. I offered for them to -- to
13 listen to the phone calls right here and there and --
14 prior to asking questions about them and then we go back
15 on the record and we ask questions about them.

16 There's been no meet and confer over the
17 interrogatory. I don't think we're at issue on the
18 interrogatory. Nobody has ever raised that with defense
19 counsel, but it's a deficient answer. Plaintiff's
20 counsel gave a counterproposal that somebody at his
21 office would listen to the phone calls that we've
22 identified. There's five of them. And there's only,
23 like, I'd say, like, anywhere from like 15 seconds to a
24 minute on each call that I was planning on playing, that

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1 somebody from plaintiff's office would listen to the
2 call and then they would make a determination as to
3 whether or not they thought we were -- should be allowed
4 to ask questions about the calls.

5 We are not in agreement with that counter
6 dispute -- or counterproposal because we don't really
7 understand what the basis of the objection would be.
8 And plaintiff's counsel said he would instruct his
9 client not to answer anything with regard to the IDOC
10 phone calls at this point in time because of the -- the
11 interrogatory and the lack of the review of the calls
12 ahead of time.

13 And then I'll let Sean say anything else.

14 MR. STARR: Yeah, I think that's -- This is
15 plaintiff's counsel, Sean Starr. I think that's largely
16 correct. I -- I want to address a couple points. One
17 is that there's actually two outstanding
18 interrogatories, not -- not a single interrogatory. Two
19 is that the interrogatories request that they identify
20 the calls they intend to rely on in this litigation.
21 And furthermore, one of the interrogatories states that
22 if they don't identify them, we intend to -- to -- to
23 bar them.

24 And their answer is -- is that it's premature.

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1 Their answer is that because these were tendered shortly
2 after the calls were -- were produced in discovery,
3 their answer is that it's premature to assume that
4 they've listened to them, and they never answered the
5 interrogatory beyond saying that they're -- that they
6 object and that they're pre- -- it's too premature.

7 So our position is that this is -- this is --
8 we're being sandbagged. We, you know, are happy to
9 answer questions about the calls generally or about
10 his -- his case generally, and he's been answering these
11 questions all day. But we feel as though given the
12 outstanding interrogatory, we -- We expected an actual
13 answer to the interrogatory before we have to respond to
14 any questions about it in a deposition or at trial or
15 any other point.

16 The other point I would make is that our
17 counterproposal was fairly characterized by Ms. West.
18 The point of it was, is that since it's Friday
19 afternoon -- now it's almost 3:00 o'clock -- my proposal
20 was that we continue with the deposition while -- if
21 they identify for us the parts of the calls that they
22 were going to play, I would have my co-counsel review
23 them separate from the deposition; then I would confer
24 with my client, and we can determine whether or not we

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1 needed additional time or if we could just answer them
2 today. I thought that was a solution that was both
3 addressing their concerns about wanting to ask questions
4 about the calls and about the -- the timeliness and the
5 fact that it's a Friday afternoon. And so that's where
6 we find ourselves.

7 And we called the judge because I don't -- I
8 think that -- I don't think my client has to answer
9 questions about these calls because they've refused to
10 answer the interrogatory.

11 MS. WEST: And I think that the urgency here today
12 was mainly for the fact that Mr. Fletcher is here, and
13 he's been here for some time, and we would like to not
14 have to bring him back a second day to be mindful of his
15 time and --

16 MS. MORRISON: And Catherine Morrison for the City.
17 We join in Ms. West's statements but also to note that
18 beyond Mr. Starr's representation that the interrogatory
19 response was just that it was premature, the defendants
20 also objected that the interrogatories, the two, were
21 improper as it sought the defendants' work product and
22 that it improperly seeks the defendants to identify how
23 they may use recordings to rebut in- -- to rebut
24 evidence that may be introduced at trial. So just for

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1 the record, that was the -- also the other bases for the
2 objection.

3 MR. STARR: Yeah, and I -- and I will say for the
4 record that in other cases we've tendered these same
5 interrogatories and got actual responses, so that's what
6 we -- we assumed we were going to get in this case, and
7 we haven't got that.

8 THE DEPUTY: Okay. So I've written down that
9 information. I am going to forward that over to the
10 judge and then give you guys a quick call back to see
11 how she would like to proceed. Okay?

12 MS. WEST: Thank you very much.

13 MS. MORRISON: Thank you.

14 THE DEPUTY: Sure. Thank you.

15 MS. WEST: Okay. We're still on, right?

16 THE VIDEOGRAPHER: Mm-hmm.

17 MS. WEST: Okay. Do you want to just stay on and
18 we'll keep plowing through?

19 MR. STARR: Works for plaintiff.

20 MS. WEST: All right.

21 MS. MORRISON: Let's do it.

22 MS. WEST: All right. Mr. Fletcher, sorry. Let's
23 keep going here.

24

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1 BY MS. WEST:

2 Q. All right. I think that the last question
3 that I had for you was, were you arrested for possession
4 of a stolen vehicle in December of 1991?

5 A. I'm not sure if it says in the record. Yes, I
6 guess.

7 Q. Do you recall being arrested for possession of
8 a stolen vehicle at any point in your life?

9 A. Yeah.

10 Q. Okay. Is this prior to being picked up for
11 the armed robbery in 1991?

12 A. I don't remember.

13 Q. Okay. Do you know what happened to that
14 criminal charge?

15 A. I don't think it was a stolen motor vehicle
16 because it was my buddy's car.

17 Q. Do you know if you were -- if the State
18 pursued prosecution on the case or if it was dismissed?

19 A. I don't remember. I don't remember.

20 Q. Okay. Okay. So you were out of custody
21 roughly from July -- well, from July 25th until, you
22 think, December 1st --

23 A. Of 1991.

24 Q. -- of 1991. So a little less than a year and

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1 **a half?**

2 A. Yes.

3 **Q. Okay.**

4 THE COURT REPORTER: Sir, just try to keep your
5 answers verb- -- louder. Thank you.

6 BY MS. WEST:

7 **Q. And then when were you released from custody**
8 **in 2020?**

9 A. January 28th, I think.

10 **Q. And your conviction, what year was your**
11 **conviction relative to the Willie Sorrell homicide**
12 **vacated?**

13 MR. STARR: Objection: form.

14 BY THE WITNESS:

15 A. 2020, I think.

16 **Q. Are you aware that your attorneys filed a**
17 **petition for certificate of innocence?**

18 A. Yes.

19 **Q. Okay. I'm going to show you what we'll mark**
20 **as --**

21 **MR. STARR: 7.**

22 MS. WEST: I know, I put --

23 MR. STARR: Oh.

24 MS. WEST: -- the calls on the -- So technically,

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1 this would be 12, I think.

2 THE COURT REPORTER: This would be 11.

3 MS. WEST: 11.

4 THE COURT REPORTER: You didn't identify ...

5 MS. WEST: 11.

6 THE COURT REPORTER: Yeah.

7 MS. WEST: Okay.

8 MR. STARR: Do you want to identify those calls all
9 the way through? I think ...

10 MS. WEST: Oh, I did. Like the ones I gave you, we
11 went ahead and, like --

12 MS. MORRISON: I think I have --

13 MR. STARR: Through 11?

14 MS. MORRISON: I have through 11.

15 MR. STARR: So do I, yeah.

16 MS. WEST: I do too.

17 THE COURT REPORTER: Oh, I apologize.

18 MS. WEST: Oh, no worries. So then let's make this
19 12.

20 THE COURT REPORTER: Okay.

21 MR. STARR: That's the only reason I was asking.

22 MS. WEST: Yeah. Thanks.

23 (Fletcher Deposition Exhibit No. 12
24 marked as requested.)

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1 BY MS. WEST:

2 Q. All right. Mr. Fletcher, we are showing you
3 what we've marked as Exhibit 12. Have you seen this
4 document before?

5 A. Yes.

6 Q. Okay. Did you review this document prior to
7 your attorney filing it?

8 A. Yes.

9 Q. Okay. And if you go to -- Oh, for the record,
10 this is Fletcher 13632 through 653. If you go to the
11 last two pages, sir, which for the record is
12 Fletcher 13652 through 653.

13 A. Okay.

14 Q. Do you see that, sir?

15 A. Yes.

16 Q. Okay. There's a declaration attached to the
17 certificate -- or I'm sorry -- to the petition to the
18 certificate of COI, right?

19 A. Mm-hmm.

20 Q. Okay. If you go to that last page, did you
21 sign off on the declaration?

22 A. Yes.

23 Q. And in the declaration on the second page,
24 Paragraph 7, you state that you've maintained your

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1 innocence and that that innocence is supported, and you
2 list things that it's supported by. Among those things,
3 you list the Cook County State's Attorney's Office's
4 motion to dismiss your conviction. Do you see that --

5 A. Okay.

6 Q. -- there at Paragraph 7?

7 A. It says ...

8 MR. STARR: It's -- I think he's looking at the
9 wrong page.

10 THE WITNESS: Yeah.

11 BY MS. WEST:

12 Q. Oh, I'm sorry. The very last page of the
13 document itself.

14 A. Oh.

15 Q. Sorry about that.

16 A. Okay.

17 Q. Okay. Where you say, I am innocent of the
18 crime that I was convicted for on February 25th, 2005.
19 I have maintained my innocence, and that innocence is
20 supported by my post-conviction filings in this case,
21 the order granting the writ of habeas corpus in the
22 federal -- in federal court, and the Cook County State's
23 Attorney's motion to dismiss my conviction.

24 Do you see that?

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1 A. Yes.

2 Q. Okay. Your reference to -- Strike that.

3 Why do you think that the Cook County State's
4 Attorney's Office's motion to dismiss supports your
5 innocence?

6 MR. STARR: Objection: form, foundation, calls for
7 a legal conclusion.

8 You can answer if you can answer separate and
9 apart from any conversations you had with your attorneys
10 regarding this filing.

11 BY THE WITNESS:

12 A. I don't really -- Could you clarify? I don't
13 understand.

14 Q. Okay. Have you ever seen the State's
15 Attorney's motion to dismiss your conviction?

16 A. To dismiss my conviction? That my attorneys
17 filed? Yes.

18 (Telephone interruption.)

19 MS. WEST: Sorry, guys. She's calling back.

20 MR. STARR: Okay. I guess --

21 MS. WEST: Yeah, we'll stop.

22 Do you want to stay on?

23 MS. MORRISON: Yeah.

24 MR. STARR: Sure.

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1 MS. WEST: Hello?

2 THE DEPUTY: Hi. Ms. West?

3 MS. WEST: Yes.

4 THE DEPUTY: Hi. So I did speak with the judge and
5 provide -- provided her with all the information. She
6 did say that given the timing right now, the judge is
7 just not available for a -- discovery hearing disputes.
8 So she did state that she will be issuing an order that
9 will be setting an in-person discovery conference
10 hearing, and she will be addressing all of the pending
11 motions and issues during that hearing. That hearing
12 will most likely be in the first week of Oc- --
13 December. I'm sorry. And the parties should await the
14 order.

15 MS. WEST: Okay. Thank you so much.

16 THE DEPUTY: Okay. Sure. No problem.

17 MS. WEST: All right. Let's go off the record for
18 a second.

19 THE VIDEOGRAPHER: We are going off the video
20 record at 3:03 p.m.

21 (A short break was had.)

22 THE VIDEOGRAPHER: We are back on video record at
23 3:04 p.m.

24 MS. WEST: If you don't mind.

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1 THE COURT REPORTER: Yeah.

2 (Record read as requested.)

3 BY MS. WEST:

4 Q. Okay. So you have seen the State's
5 Attorney's -- Oh, wait. Hang on. Let me strike that.

6 So have you seen something that the State
7 filed, not your -- your own counsel, to dismiss your --
8 your conviction or vacate your conviction?

9 MR. STARR: Objection to form, foundation.

10 BY THE WITNESS:

11 A. I seen my attor- -- My attorney's motion?

12 Q. No. I just want to make sure we're talking
13 about the same thing.

14 So have you seen a motion that was styled --
15 that was filed by the State's Attorney's Office to
16 dismiss your conviction?

17 MR. STARR: Objection to form, foundation, calls
18 for speculation.

19 BY THE WITNESS:

20 A. I guess. I don't -- Yeah.

21 Q. Okay. Because in your declaration, you say
22 that your innocence is supported by the Cook County
23 State's Attorney's motion to dismiss.

24 A. Okay.

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1 **Q. Okay. Can you tell me whether or not you've**
2 **seen that motion?**

3 MR. STARR: Asked -- Asked and answered. I don't
4 think he ...

5 BY THE WITNESS:

6 A. Yes, I had to see it, yeah.

7 **Q. Okay. Do you recall what the motion said?**

8 A. No.

9 **Q. Sorry. You've got to talk --**

10 A. No.

11 **Q. -- just a little bit louder for her.**

12 A. No.

13 **Q. Okay. Thank you.**

14 Did you attend a court proceeding or hearing
15 for the petition for the certificate of innocence?

16 A. Oh, yes.

17 **Q. Okay. Who was present at the hearing?**

18 A. Me and my attorneys.

19 **Q. And at the hearing, the Court granted your**
20 **petition, right?**

21 A. Yes.

22 **Q. And at that hearing, the State's Attorney's**
23 **Office indicated that they were choosing not to**
24 **intervene in your petition for certificate of innocence,**

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1 **correct?**

2 A. Yes.

3 **Q. Okay. The Court didn't hold an evidentiary**
4 **hearing relative to your petition for a COI, right?**

5 MR. STARR: Form.

6 BY THE WITNESS:

7 A. An evidentiary hearing? No.

8 MR. STARR: Okay. Go ahead.

9 BY MS. WEST:

10 **Q. Meaning you didn't give testimony, did you,**
11 **sir?**

12 A. No.

13 **Q. Okay. Nobody from the police department gave**
14 **testimony, correct?**

15 A. No.

16 **Q. Okay. Detective Bogucki didn't testify in**
17 **court on your petition for a COI, right?**

18 A. No.

19 **Q. And Detective Schalk didn't testify in front**
20 **of the Court for your petition for a COI, right?**

21 A. No.

22 **Q. Okay. Following your petition for a COI being**
23 **granted, have you petitioned the Court of Claims for a**
24 **sum of money?**

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1 A. Yes.

2 **Q. Okay. When did that happen?**

3 A. When did we file it? A couple years ago, I
4 guess.

5 **Q. Okay. And have you received money?**

6 A. Yes.

7 **Q. How much money did you receive?**

8 A. I'm not sure exact amount.

9 **Q. Was it more than \$50,000?**

10 A. Yes.

11 **Q. Was it more than \$100,000?**

12 A. Yes.

13 **Q. More than \$150,000?**

14 A. Yes.

15 **Q. More than \$200,000?**

16 A. Yes.

17 **Q. More than \$250,000?**

18 A. That, I'm not sure.

19 **Q. Okay. When did you receive the money?**

20 A. Maybe a month -- couple months ago, I guess, a
21 few months ago.

22 **Q. So you've only been in receipt of the funds**
23 **for a couple months; is that right?**

24 A. I haven't been in receipt of it. I --

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1 Financial planner.

2 **Q. Okay. Thank you.**

3 MR. STARR: Just -- And belated asked and answered
4 to that last question.

5 BY MS. WEST:

6 **Q. What, if anything, have you done with the sum**
7 **of money that you've received?**

8 MR. STARR: Form.

9 BY THE WITNESS:

10 A. Financial planner. Nothing.

11 **Q. Mr. Fletcher, are you claiming any physical**
12 **injuries as a result of your conviction and subsequent**
13 **incarceration relative to the Willie Sorrell murder?**

14 MR. STARR: Objection: form, foundation, calls for
15 a legal conclusion.

16 You can answer outside of any conversation
17 you've had with your attorneys about your case.

18 BY THE WITNESS:

19 A. You mean like bodily, mentally?

20 **Q. So let's start with physical. So I'm asking**
21 **specifically if you have suffered any physical injuries**
22 **from the time that you were arrested in 2002 until you**
23 **were released in 2020 that you're claiming as a result**
24 **of the arrest and subsequent conviction?**

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1 MR. STARR: Just same objection and same
2 instruction.

3 BY THE WITNESS:

4 A. Well, I found out that I had -- Well, I was
5 complaining in prison about my knees, and for years they
6 wouldn't send me out; and when they finally sent me to
7 the U of I Hospital, I found out that I had bone on bone
8 and that I needed two knee -- two knee replacements.
9 But I ended up getting released before I end up getting
10 those. I also had -- used to complain about my neck
11 problem and my back problem, and I was advised to see a
12 specialist when I got out, and I ended up seeing a
13 specialist. One was saying I needed an operation, and I
14 didn't want to do that, so I referred to another one,
15 and they were saying it was kind of okay, you know. And
16 just a little back problems. That's about all I can
17 remember now.

18 Q. Let me ask you this: Were you involved in any
19 physical altercations while you were in custody from
20 2002 to 2020 that resulted in any injury to you?

21 A. Yes, I was stabbed in the county jail. I
22 think that was '02, '03. I'm not sure.

23 Q. Where were you stabbed?

24 A. In the chest.

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1 **Q. Were you treated for the injury?**

2 A. Yes.

3 **Q. Do you have any permanent injury as a result**
4 **of being stabbed?**

5 MR. STARR: Form, foundation --

6 BY THE WITNESS:

7 A. A scar.

8 **Q. Okay.**

9 MR. STARR: -- calls for speculation.

10 BY MS. WEST:

11 **Q. Who were you stabbed by?**

12 A. Oppo- -- Opposite gang, I would call it, yeah.

13 **Q. Any other physical altercations that led to an**
14 **injury from 2002 to 2020 while you were incarcerated?**

15 A. That's the only thing that I remember -- that
16 I remember offhand.

17 **Q. Okay.**

18 MS. WEST: Did I not -- I didn't give you this, did
19 I? No.

20 Okay. One last exhibit. So this is 13?

21 THE COURT REPORTER: Yes.

22 (Fletcher Deposition Exhibit No. 13
23 marked as requested.)
24

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1 BY MS. WEST:

2 Q. Okay. All right. Mr. Fletcher, there is what
3 we've marked as Exhibit 13 in front of you, which is
4 Plaintiff's Response to Defendant Schalk's First Set of
5 Interrogatories.

6 Do you have a recollection of reviewing these
7 interrogatories or questions that were posed to you?

8 A. No. I don't think I saw this, no.

9 Q. Okay. If you could look at -- It's Page 10 of
10 the document. It's Question No. 11.

11 A. You said Page 10, Question 11? Okay.

12 Q. Yes.

13 All right. So Question 11 is, Please state
14 with specificity all damages you are seeking against the
15 individual defendants and factual basis for your claims.

16 A. Okay.

17 Q. There's a response that's given, and I wanted
18 to ask you a couple questions about the response. So if
19 you could look at the very last sentence on Page 10, it
20 says, "More specifically, as a result of Plain-" --
21 Plain- -- "Plaintiff's wrongful conviction, he was moved
22 from a medium-security prison into a maximum-security
23 prison," and goes on. "And kept imprisoned for many
24 years longer than he would have been if not for

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1 **Defendants' actions."**

2 **My question to you is, you were in medium**
3 **secur- -- security at the time you were arrested for the**
4 **murder, correct?**

5 A. Yes.

6 **Q. Okay. And when were you moved to maximum**
7 **security?**

8 A. After Detective Schalke [sic] left me alone,
9 three weeks after that.

10 **Q. Okay. But then I thought you told me that**
11 **from 2002 to 2004, you were kept at Cook County Jail?**

12 A. I went back to Stateville first. Then I
13 stayed at the county till November, like, of '04. Then
14 they moved back to Stateville.

15 **Q. Okay. And when you went back to Stateville in**
16 **2004, were you in maximum?**

17 A. Stateville is maximum.

18 **Q. Okay.**

19 A. Graham is medium.

20 **Q. Okay. Thank you.**

21 **How were the conditions in the medium**
22 **different than the maximum?**

23 MR. STARR: Objection to form.
24

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1 BY MS. WEST:

2 Q. If at all.

3 A. The medium is, like, Country Club Hills
4 compared to Stateville. Stateville is literally hell on
5 earth, worst place to ever be at.

6 Q. You told me about the time that you were
7 stabbed in Cook County Jail.

8 A. Mm-hmm.

9 Q. If you go to the last sentence in that -- it's
10 not the full paragraph on Page 11, it says, "Plaintiff
11 was robbed of opportunities to gain an education, to
12 engage in meaningful labor, to develop a career, and
13 pursue his interests and passions."

14 Do you see that?

15 A. Yes.

16 Q. Okay. What type of education did you want to
17 get, sir, that you didn't?

18 MR. STARR: Objection: form, foundation,
19 speculation.

20 BY THE WITNESS:

21 A. I couldn't even tell you. They don't have
22 school -- In medium prison, you can go to school, some
23 classes. In maximum, Stateville, I think they only
24 serve is -- I think they have just pre GED. If you got

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1 your GED, there's no college class; there's no nothing.

2 **Q. So when you were in Graham, were you pursuing**
3 **any type of degree while you were still in the medium**
4 **security?**

5 A. Yes. When I was at Graham, I was working, and
6 I was going to school.

7 **Q. What were you going to school for?**

8 A. Business management.

9 **Q. And how does that work as far as -- Do you**
10 **have, like, pending credits through a university?**

11 A. Yes.

12 MR. STARR: Objection: foundation.

13 BY THE WITNESS:

14 A. Yes.

15 **Q. Okay. What's the -- the university?**

16 A. Oh, I don't remember now. I didn't get a
17 chance to finish. They came and moved me.

18 **Q. How many credits did you have?**

19 A. I don't recall. I don't recall.

20 **Q. What -- You note "to develop a career." What**
21 **type of career did you want, sir?**

22 MR. STARR: Foundation, speculation.

23 BY THE WITNESS:

24 A. I mean, when this came about, it just -- it

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1 ruined me. It threw my whole -- everything off. And
2 once I left prison, I didn't know that I would have to
3 come in, be deposed, so I just, like, kind of was trying
4 to wipe all of that prison stuff out of my mind. Worst
5 time of my life.

6 **Q. Prior to being released in 2020, have you ever**
7 **been gainfully employed in your life?**

8 A. You mean once I was released from prison?

9 **Q. Prior to being released in 2020. So we're**
10 **talking from --**

11 A. No.

12 **Q. Okay. So you've never been gainfully employed**
13 **in your life?**

14 A. After I was released --

15 **Q. In --**

16 A. -- in 2020.

17 **Q. Okay.**

18 A. Right.

19 **Q. Prior to 2020 --**

20 A. No.

21 **Q. -- did you ever hold a job?**

22 MR. STARR: Asked and answered.

23 BY THE WITNESS:

24 A. I said no.

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1 **Q. Okay. Were you ever stabbed in the arm while**
2 **you were in Stateville?**

3 A. Yes, twice.

4 **Q. When -- What year was that?**

5 A. I don't know. I don't know. I got stabbed in
6 this arm (indicating) twice, and I think once in my
7 side.

8 **Q. Was it following your conviction in 2005?**

9 A. I think one of them was, yeah. I think --

10 **Q. Do you recall about the other two?**

11 A. I think that might have been the first bit.

12 THE COURT REPORTER: The first?

13 BY THE WITNESS:

14 A. The first time I went to prison.

15 **Q. Relative to the felony murder in 1979?**

16 A. Yes.

17 **Q. Okay. Are you claiming that you suffer from**
18 **any emotional damages or emotional injuries as a result**
19 **of being charged and convicted of the Willie Sorrell**
20 **murder?**

21 MR. STARR: Objection: form, foundation, calls for
22 a legal conclusion.

23 Beyond any attorney-client conversations, you
24 can testify. You can answer.

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1 BY THE WITNESS:

2 A. I mean, yes. When I was in Stateville, my
3 biggest fear was losing one of my parents when I was
4 locked up, so -- I had seen many people win, like, new
5 trials and, you know, came back and lost everything.
6 And I used to tell people if I won a new trial, I would
7 take a plea deal. I'm copping out. I'm going home.
8 Because my mom, she had been sick for a while, and she
9 refused to take dialysis, so I knew that her time was
10 numbered, and I just wanted to be there before, you
11 know, God called her home. So that was, like, a very
12 traumatic experience to be worrying about if you're
13 going to die in prison for something that you didn't do
14 and you won't get a chance to see your mom, you know,
15 being called home. So yes, it messed with my mind.

16 **Q. Have you been formally diagnosed with any type**
17 **of mental illness following your release in 2020?**

18 MR. STARR: Objection: foundation, speculation.

19 BY THE WITNESS:

20 A. No, not formally diagnosed, no.

21 **Q. Did you seek mental health treatment while you**
22 **were incarcerated following your conviction in 2005?**

23 A. Yes.

24 **Q. Were you ever diagnosed while you were**

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1 **incarcerated of a mental illness?**

2 A. No.

3 **Q. Are you claiming that you suffer from**
4 **depression?**

5 A. Yes.

6 **Q. Are you claiming that you suffer from anxiety?**

7 A. Yes.

8 **Q. Have you treated for -- for either of those**
9 **problems?**

10 A. Well, I've been seeing a therapist, and I
11 basically, like -- I just stay to myself now, you know,
12 just kind of ...

13 **Q. When did you start --**

14 MR. STARR: I think he was still answering.

15 BY MS. WEST:

16 **Q. Oh, I'm sorry. I didn't mean to cut you off.**

17 A. Yes, it's kind of like why I don't have a
18 relationship with -- you was asking me earlier about
19 with my kids and everything, because I kind of just like
20 being to myself. That's kind of what I'm used to. Like
21 so when they have parties and events, they get mad when
22 I don't want to come, you know, and I'm trying to tell
23 them I don't like being around crowds of people like
24 that. I'm used to, you know, I guess, paranoia,

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1 watching my back. So they get mad at me for that. If
2 it's a grandkid's birthday party, I would buy a gift,
3 but I just don't like being around a lot of people like
4 that, you know, so ...

5 **Q. You mentioned you are treating -- or seeing a**
6 **therapist?**

7 A. Yes.

8 **Q. When did you start seeing a therapist?**

9 A. 2020. Then she went into private practice, so
10 I stopped for a while. Then I started back in -- last
11 year seeing a therapist.

12 **Q. What kind of -- What kind of doctor, or is --**
13 **Or what kind of license does the therapist hold, if you**
14 **know?**

15 A. She's a therapist.

16 MS. WEST: Was that disclosed?

17 MR. STARR: I'm not certain. I assume it was, but
18 I don't know.

19 MS. WEST: Okay.

20 MR. STARR: I can check; and if not, we'll disclose
21 it.

22 MS. WEST: Thank you.

23 BY MS. WEST:

24 **Q. Have you been formally diagnosed with anything**

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1 **by the therapist?**

2 A. No.

3 **Q. Okay. Are you treating with any other type of**
4 **psychologist or therapist as a result of what you're**
5 **saying is depression or anxiety?**

6 A. No.

7 **Q. Your -- When you were previously incarcerated**
8 **starting in 1979, when you were released in 1990, did**
9 **you suffer from the same type of anxiety or depression?**

10 MR. STARR: Objection --

11 BY THE WITNESS:

12 A. No.

13 MR. STARR: -- foundation, speculation.

14 BY MS. WEST:

15 **Q. How about while you were incarcerated from**
16 **1991 to 2002 before you were arrested for the homicide**
17 **of Willie Sorrell? Did you suffer from any type of**
18 **anxiety or depression?**

19 A. No.

20 **Q. Are you employed currently?**

21 A. Yes.

22 **Q. Where do you work?**

23 A. Great American Driver -- Delivery Service.

24 **Q. What do you do for them?**

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1 A. I drive.

2 **Q. Do you drive a truck? a car? What kind of**
3 **vehicle?**

4 A. I drive my vehicle.

5 **Q. And what -- what are your duties and**
6 **responsibilities?**

7 A. Basically, to deliver medicine to people.
8 Just like if they tell me they have a job going to
9 Arkansas, they pay you, like, a dollar a mile, and I
10 would drive from here to Arkansas. Or if they got
11 medicine that needs to be delivered today to Ohio, I
12 would drive from here to Ohio.

13 **Q. And how long have you been employed by them?**

14 A. Three years now.

15 **Q. Is it full-time employment?**

16 A. It was, but now my dad has dementia, so I have
17 to stay there with him, take care of him.

18 **Q. So are you still working for -- for the**
19 **company?**

20 A. Yes.

21 **Q. So how does that work if you're your father's**
22 **caregiver but, yet, you still are working for them?**

23 A. My sister lives in the building. It's a
24 family building, so I would tell somebody, like if they

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1 have a job, Could you watch Dad for me? I'm finna, you
2 know, try to go to work. If he's asleep, I can sneak
3 out; but if he's woke, Where you going, Jim? I want to
4 go with you.

5 **Q. When did that start, that you kind of -- you**
6 **scaled back on your work because of your father?**

7 A. Really, like a year ago, he got -- he got real
8 bad.

9 **Q. Before -- Before then, how -- Was it full --**
10 **It was full time?**

11 A. Yes.

12 **Q. 40 hours a week?**

13 A. Hm?

14 **Q. How many hours a week?**

15 A. It wouldn't be 40, but -- It all depends on,
16 like, the job, you know, because, like, if they paying
17 you a dollar a mile, so sometimes you can go from here
18 to Arkansas in one day, come back the next day; that's a
19 grand, so ...

20 **Q. And is your payment based solely on the**
21 **mileage?**

22 A. Yes.

23 **Q. Okay. How often would you say that you're --**
24 **you're performing a --**

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1 A. Now?

2 Q. -- a drive currently? Yeah.

3 A. Oh.

4 Q. How many hours a week?

5 A. Let's see. Five, six, seven. Maybe three or
6 four now. I try to do it early in the morning while
7 he's asleep because my sister also works; so if I do it
8 while he sleeps before he gets up, I'm okay. And I have
9 a ring on my phone and on the door so I can see if he
10 would get out or try to leave out the house or something
11 like that, and I could call my sister like, Hey, Dad's
12 trying to leave and ...

13 Q. Okay. Since your release in 2020, have you
14 been arrested?

15 A. No.

16 Q. I think I am -- I had two random questions for
17 you here out of order.

18 You mentioned earlier that you spoke with
19 Ms. Sanders about being deposed in this current
20 litigation; is that right?

21 A. Yes.

22 Q. Okay. When you spoke with her about her being
23 deposed, did you speak about the specific questions that
24 were asked of her during that deposition?

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1 A. When she was deposed?

2 Q. Correct.

3 A. No.

4 Q. Okay. What -- What did you talk to her about
5 with regard to her deposition?

6 A. We didn't talk about -- I thought you was
7 talking about my deposition.

8 Q. No. I'm sorry. Did you speak with
9 Ms. Sanders about her deposition?

10 A. No.

11 Q. Okay.

12 A. I mean, we talked about it, but I just asked
13 her, Did they depose you today? She's like, Yeah.

14 Q. Okay.

15 A. And my attorney had told me.

16 Q. And then with regard to the roller-skating --

17 A. Yes.

18 Q. -- you said that you would compete against --

19 A. Yes.

20 Q. -- other people. What does that mean? Can
21 you tell me, like, what type of competition?

22 A. You would get to the skating rink, and they
23 would play music, and they would say one of your best
24 got to take their best guy, and you two would get on the

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1 skate, and the people in the skating rink would judge
2 who was the winner. And just by being seven of us, if
3 we won the four out of seven, we would win the trophy.
4 If they won the majority, they would win the trophy.

5 **Q. Okay. Thank you.**

6 MS. WEST: Give me -- Actually, let's take a quick
7 five-minute break. I think I'm done. I'm just going to
8 look through my stuff. Okay?

9 THE VIDEOGRAPHER: Okay. We are going off the
10 video record at 3:29 p.m., and this is the end of Video
11 Media 4.

12 (A short break was had.)

13 THE VIDEOGRAPHER: We are back on video record at
14 3:38 p.m., and this is the beginning of Video Media 5.

15 MS. WEST: I was just going to say, let's not
16 forget to put on the record at the end of this that
17 we're going to reconvene based on either us working
18 something out or a Court's ruling. I guess we can do
19 that right now.

20 I -- I have no further questions. But just
21 for the record, that we're going to reserve the right to
22 reconvene the deposition of Mr. Fletcher based on either
23 you and I working out something, Sean, or a Court's
24 ruling based on something. If she denies it, obviously,

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1 we won't reconvene, but if she allows.

2 MR. STARR: Yeah, and I think our position is that
3 we're always willing to confer on any issue. I'm not
4 going at this point agree to bring him back; but
5 certainly, if -- if the Court rules on that, we -- we
6 would definitely do that. And if we're able to confer
7 and reach some sort of agreement, then -- then so be it.

8 MS. WEST: Okay.

9 MS. MORRISON: And I do not have any questions for
10 you today, sir. Just join in the standing that we would
11 reserve our right to redepose based -- or do a Part 2
12 deposition based on the IDOC ruling.

13 MR. STARR: I just have a few follow-up questions.

14 EXAMINATION

15 BY MR. STARR:

16 Q. Mr. Fletcher, you were asked about an attorney
17 by the name of Fred or Frederick Cohn. Do you remember
18 that line of questions?

19 A. Yes.

20 Q. And Mr. Cohn represented you during one of
21 your appeals, correct?

22 A. Yes, my direct appeal.

23 Q. Did Mr. Cohn have any -- Strike that.

24 Did Mr. Cohn represent you at any point during

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1 the pendency of your criminal proceedings prior to your
2 conviction?

3 A. No. He represented me after I was convicted.

4 Q. Okay. And I think you testified that you
5 thought that your -- your father, James Fletcher, Sr.,
6 may have worked at some point in time for -- for
7 Mr. Cohn?

8 A. After my conviction, yes.

9 Q. Okay. So as far as you know, did your father
10 work for Mr. Cohn at any point prior to you being
11 convicted in 2005?

12 A. No, he did not.

13 Q. Okay. And then you were asked about -- a lot
14 of different questions about when your father may have
15 spoken to witnesses or what witnesses he may have spoken
16 to. Do you remember essentially those questions being
17 asked?

18 A. Yes.

19 Q. Okay. Do you know any of the dates on which
20 your father actually spoke to any of the witnesses?

21 A. Every- -- No, I don't know the specific dates,
22 but everything occurred after my conviction. After I
23 was convicted in '05, we hired Frederick Cohn. So
24 before then, no.

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1 Q. Okay. And then you were also asked some
2 questions about communications you had with people while
3 you were incarcerated. Do you generally remember being
4 asked about that?

5 A. Yes.

6 Q. And I think you said that you -- for some of
7 those communications, you may have talked about your
8 case?

9 A. Yes.

10 Q. What did you -- What -- To what extent did you
11 talk about your case with anyone that you communicated
12 with during your time in -- in -- in prison?

13 A. I would tell everybody that I was wrongfully
14 convicted, and I needed help to get out.

15 Q. Okay. Anything beyond that?

16 A. No.

17 Q. Okay. Nothing you can recall, correct?

18 A. No.

19 Q. Okay. And then you were -- you -- During
20 Ms. West's questions, you were asked about -- I believe
21 it was your -- the exhibit that was your -- your TIRC
22 letter, but I may be wrong. One of the exhibits you
23 were asked about a point where you said that you -- you
24 thought you would have been their number one suspect.

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1 **Do you remember being asked generally about that and**
2 **giving that answer?**

3 A. Yes.

4 **Q. And what did you mean by -- What did you mean**
5 **by you thought that you may be the detectives' number**
6 **one suspect?**

7 A. Well, they said they had a name Fletcher from
8 a witness for this armed robbery. I went to prison, did
9 ten years and nine months, under the name Jimmy Fletcher
10 for an armed robbery. I live five minutes proximity to
11 the crime. So I was figuring any detective that was,
12 you know, trying to solve the case, I should have been
13 the first one that they came and talked to. You look on
14 the record; hey, this guy, I should have been. You
15 know?

16 **Q. And is that why you thought in 1990 your photo**
17 **would have been included in any photo array that was**
18 **shown to any witness?**

19 A. That's why I was assuming by them never coming
20 to talk to me that I wasn't picked out; I wasn't
21 identified, so -- you know?

22 **Q. Sir, did you have anything whatsoever to do**
23 **with the 1990 shooting of Willie Sorrell?**

24 A. No, I did not.

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1 MR. STARR: Okay. I have no further questions.

2 MS. WEST: I have nothing based on that.

3 MS. MORRISON: Nothing.

4 THE VIDEOGRAPHER: Okay.

5 MS. WEST: Thank you very much.

6 THE VIDEOGRAPHER: This concludes today's
7 deposition. The time is now 3:43 p.m., and we are going
8 off the video record at the end of Video Media 5.

9 (Deposition concluded at 3:43 p.m.)

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1 UNITED STATES OF AMERICA)
NORTHERN DISTRICT OF ILLINOIS)
2 EASTERN DIVISION) SS.
STATE OF ILLINOIS)
3 COUNTY OF COOK)
4

5 I, Enza Tenerelli, Certified Shorthand
6 Reporter, Registered Professional Reporter, do hereby
7 certify that JAMES FLETCHER, JR., was first duly sworn
8 by me to testify to the whole truth and that the above
9 videotaped deposition was reported stenographically by
10 me and reduced to typewriting under my personal
11 direction.

12 I further certify that the said deposition was
13 taken at the time and place specified and that the
14 taking of said deposition commenced on November 17th,
15 2023, at 10:23 a.m.

16 I further certify that I am not a relative or
17 employee or attorney or counsel of any of the parties,
18 nor a relative or employee of such attorney or counsel,
19 nor financially interested directly or indirectly in
20 this action.
21
22
23
24

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1 In witness whereof, I have hereunto set my
2 hand and affixed my seal of office at Chicago, Illinois,
3 this December 18th, 2023.

4
5
6
7
8 *Enza Tenerelli*

Enza Tenerelli, CSR, RPR
161 North Clark Street
Suite 3050
Chicago, Illinois 60601
Phone: 312.361.8851



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12 CSR No. 084-004873
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